

# Agenda Minnetonka City Council Regular Meeting Monday, February 8, 2021 6:30 p.m. WebEx

- 1. Call to Order
- 2. Pledge of Allegiance
- 3. Roll Call: Kirk-Schack-Carter-Calvert-Schaeppi-Coakley-Wiersum
- 4. Approval of Agenda
- 5. Approval of Minutes:
  - A. January 11, 2021 study session
  - B. January 25, 2021 regular meeting
  - C. February 1, 2021 special closed meeting
  - D. February 1, 2021 study session
- 6. Special Matters:
  - A. Recognition of former charter commission member Karen Anderson

Recommendation: Recognize Karen Anderson

B. Boards and Commissions interviews – Senior Advisory Board

Recommendation: Interview the candidates

- 7. Reports from City Manager & Council Members
- 8. Citizens Wishing to Discuss Matters Not on the Agenda
- 9. Bids and Purchases: None

- 10. Consent Agenda Items Requiring a Majority Vote:
  - A. Resolution approving a conditional use permit for an accessory apartment at 14303 Oakwood Road Extension

Recommendation: Adopt the resolution approving the request (4 votes)

B. Items related to a multi-family residential development by Dominium, at 11001 Bren Road East

Recommendation: Adopt the resolution (4 votes)

C. Fiscal Agency Agreement related to EDA

Recommendation: Approve the Fiscal Agency Agreement (4 votes)

- 11. Consent Agenda Items Requiring Five Votes:
  - A. Resolution approving a conditional use permit, with parking variance, to expand Mercy Hill Church, a religious institution at 15408 and 15414 Minnetonka Industrial Road

Recommendation: Adopt the resolution approving the request (5 votes)

- 12. Introduction of Ordinances: None
- 13. Public Hearings: None
- 14. Other Business:
  - A. Items concerning Dicks Sporting Goods at 12437 Wayzata Blvd:
    - 1. Amendment to an existing master development plan; and
    - 2. Building plans

Recommendation: Adopt the ordinance and resolution approving the request (4 votes)

B. Diversity, equity and inclusion update

Recommendation: Provide feedback on proposed task force and new staff position (No formal action required)

C. Resolution adopting the Opus Alternative Urban Areawide Review and Mitigation Plan

Recommendation: Adopt the resolution (4 votes)

D. Natural Resources Master Plan update

Recommendation: Provide feedback and refer to the park board for review (4 votes)

- 15. Appointments and Reappointments:
  - A. Reappointment to Minnetonka boards and commissions

Recommendation: Approve the recommended reappointment

16. Adjournment

# Minutes City of Minnetonka City Council Study Session Monday, Jan. 11, 2021

**Council Present:** Deb Calvert, Susan Carter, Kissy Coakley, Brian Kirk, Rebecca Schack,

Bradley Schaeppi, and Mayor Brad Wiersum

Staff: Geralyn Barone, Mike Funk, and McKaia Ryberg

Wiersum called the meeting to order at 6:31 p.m.

#### 1. Reports from City Manager & Council Members

Barone reported on the upcoming meeting schedule for the city council, and noted that city offices are closed on Monday, January 18 in observance of the Martin Luther King Jr. Day holiday.

Wiersum, Carter, and Calvert then provided reports.

#### 2. Boards and Commissions Interviews – Planning Commission and Park Board

Wiersum stated that the city council worked with staff to broaden both the board and commission application process and the demographic representation in the board and commission applicant pool. He stated eight residents would be interviewed for the open seat on the Planning Commission, and eight residents would be interviewed for the two open seats on the Park Board. He thanked all residents who applied for the vacancies, and stated that the subsequent study sessions would be dedicated to interviews for the Sustainability Commission and Senior Advisory Board. He then stated the city's mission and vision statements.

Schack noted that although Wiersum would be the one posing the questions to interviewees, the interview questions asked were developed by the entire council as a collaborative effort.

Council then interviewed the sixteen scheduled candidates.

#### 3. Feedback on remaining boards and commissions selection process

Barone stated councilmembers should submit their scoring of candidates by Thursday, January 14. Those scores will then be combined and sent to Wiersum for review. His recommendations for appointments would be presented at the January 25 regular City Council meeting.

Barone then requested that the council provide feedback on the interview process, so that the process can be improved if necessary at the next interview sessions.

Carter asked for clarification on how candidates should be scored, and requested that applications be screened for eligibility before being sent to council.

Barone stated that councilmembers can send in their final rankings of candidates, rather than the fully detailed scores. She also noted that candidates are being screened for eliqibility before they are sent to council for review.

#### Minutes City of Minnetonka City Council Study Session Monday, Jan. 11, 2021

Coakley stated that the interview process went well, even with candidates being heard over the phone but not seen on video.

Schaeppi and Kirk commended Wiersum for conducting the interviews.

Calvert thanked staff for their efforts to increase interest in boards and commissions and diversity in the applicant pools.

Barone outlined the next steps in the process, and the upcoming interview schedule for Sustainability Commission and Senior Advisory Board.

Council discussed the schedule, and agreed to interview twenty candidates for the Sustainability Commission, while leaving the option open to interview more if it is deemed necessary.

Carter suggested either removing the question about board/commission expectations, or making it clear to the applicants in advance what those expectations are so that they can answer the question more clearly.

Barone stated that the Sustainability Commission applicants could be given information related to its expectations and mission prior to the interview.

Wiersum suggested that, alternatively, Sustainability Commission applicants could be asked a specific question about how they would use residents who are not on the commission to help achieve its goals.

#### 4. Adjournment

Wiersum adjourned the meeting at 10:15 p.m.

Respectfully submitted,

Kyle Salage Elections Specialist

#### Minutes Minnetonka City Council Monday, January 25, 2021

#### 1. Call to Order

Mayor Brad Wiersum called the meeting to order at 6:33 p.m.

#### 2. Pledge of Allegiance

All joined in the Pledge of Allegiance.

#### 3. Roll Call

Council Members Kissy Coakley, Brian Kirk, Rebecca Schack, Susan Carter, Deb Calvert, Bradley Schaeppi and Brad Wiersum were present.

#### 4. Approval of Agenda

Calvert moved, Schack seconded a motion to accept the agenda with addenda to Items 10.D, 14.A (tabling the item to February 8, 2021), and 15.B. All voted "yes." Motion carried.

#### 5. Approval of Minutes:

#### A. November 30, 2020 study session

<u>Calvert moved, Kirk seconded a motion to accept the minutes, as presented.</u> All voted "yes." Motion carried.

#### B. November 30, 2020 closed meeting

<u>Calvert moved, Kirk seconded a motion to accept the minutes, as presented.</u> All voted "yes." <u>Motion carried.</u>

#### C. December 21, 2020 regular council meeting

Calvert noted she had provided staff with a small correction to the minutes on Page 4.

<u>Calvert moved, Kirk seconded a motion to accept the minutes, as amended.</u> All voted "yes." Motion carried.

#### D. January 4, 2021 regular council meeting

<u>Calvert moved, Kirk seconded a motion to accept the minutes, as presented.</u> All voted "yes." <u>Motion carried.</u>

#### 6. Special Matters: None

#### 7. Reports from City Manager & Council Members

City Manager Geralyn Barone reported on upcoming city events and council meetings.

Kirk explained the Southwest Light Rail Places Committee met and discussed art. He noted there would be delays in placing art in Minnetonka due to the amount of construction surrounding the light rail corridor.

Wiersum reported one if his childhood heroes, Hank Aaron, died recently. He stated as he read the press reports he learned a great deal about the racism this champion faced. He thanked Hank Aaron for rising above the racism he faced and for remaining a kind, decent and loving human being. He encouraged the residents of Minnetonka to understand there was racism in America and to fight against these intolerable actions.

#### 8. Citizens Wishing to Discuss Matters not on the Agenda: None

#### 9. Bids and Purchases:

#### A. Bids for the Ridgedale Drive Watermain Improvements project

Public Works Director Will Manchester gave the staff report.

Calvert stated this situation took her by surprise. She discussed how retail businesses have been impacted by COVID and questioned when the project would be rebid. Manchester explained staff would be looking at adjustments that can be made to the project and would be ready to rebid the project shortly if the market could support it.

Calvert commented on how the market has changed and questioned if costs would continue to rise if the city chose to wait. Manchester stated this was always a concern. He discussed what staff had learned from the bid and noted adjustments would be made to the project design to assist in bringing the bid prices down.

Wiersum understood some design changes would make the project more efficient and these changes would be made prior to the project being rebid. Manchester reported this was the case.

<u>Calvert moved, Kirk seconded a motion to reject all bids.</u> All voted "yes." <u>Motion carried.</u>

#### 10. Consent Agenda – Items Requiring a Majority Vote:

#### A. Resolution for naming the new park at Ridgedale

<u>Schack moved, Carter seconded a motion to adopt Resolution 2021-004.</u> All voted "yes." <u>Motion carried.</u>

#### B. Resolution for Ridgedale Area Park Improvements

<u>Schack moved, Carter seconded a motion to adopt Resolution 2021-005.</u> All voted "yes." Motion carried.

## C. Resolution authorizing easement acquisition for the Opus Lift Station Secondary Forcemain Improvements

<u>Schack moved, Carter seconded a motion to adopt Resolution 2021-006.</u> All voted "yes." <u>Motion carried.</u>

## D. Ordinance repealing and replacing City Code 310.03, Telecommunication Facilities Regulations

Calvert requested this item be pulled for further discussion.

#### E. Resolution for the Ridgemount Avenue Improvements Project

<u>Schack moved, Carter seconded a motion to adopt Resolution 2021-007.</u> All voted "yes." <u>Motion carried.</u>

#### F. Resolution for the Groveland-Bay Improvements Project

<u>Schack moved, Carter seconded a motion to adopt Resolution 2021-008.</u> All voted "yes." Motion carried.

## D. Ordinance repealing and replacing City Code 310.03, Telecommunication Facilities Regulations

Calvert reported this ordinance was being amended due to federal rule changes. She explained this does affect the city's ability to control where small cell technology is located. She indicated the city has been working very hard to beautify the city by burying infrastructure. She commented this meant other poles may have to be erected to support small cell technology.

Wiersum understood residents liked and needed technology, but noted these technological improvements came at a cost.

<u>Calvert moved, Kirk seconded a motion to adopt Ordinance 2021-01.</u> All voted "yes." Motion carried.

- 11. Consent Agenda Items requiring Five Votes: None
- 12. Introduction of Ordinances:
  - A. Items concerning Minnetonka Station at 10400, 10500, and 10550 Bren Road East:
    - 1) Major amendment to the master development plan;
    - 2) Site and building plan review;
    - 3) Preliminary and final plat;
    - 4) Vacation of easements

City Planner Loren Gordon gave the staff report.

Kirk thanked staff for putting a slide together showing the projects in this area that would be coming forward. He asked what action would be taken on the lot north of this (Minneapolis Mart). Gordon reported staff spent a lot of time planning for the Minneapolis Mart site. He explained this may be one of the last sites to redevelop due to the current ownership of the property.

Kirk questioned if the Minnetonka station would play against the lot to the north. Gordon commented he anticipated more development on the Minneapolis Mart site that was similar to what was being proposed with the Linden Street Partners. He anticipated buildings with many stories would be constructed and noted staff would continue to consider building to building relationships going forward.

Kirk stated the council considered shadow studies for a recent project. He recommended the council take into consideration now the property to the north of the Minnetonka station may impact the site through shadows.

Schack discussed the city's affordable housing goals within the comprehensive plan and requested further comment from staff on how the city was doing with respect to affordable housing. Community Development Director Julie Wischnack stated staff was considering the right mix and the right number for the community. She explained as the development proposals continue to come to the council staff will better understand what the proper mix should be. She

understood the city needed more 50 and 80 AMI. She reported staff did not understand how to solve this, but would keep these factors in mind as the Opus site develops.

Wiersum appreciated the fact the city had its best staff members working to address this matter.

Calvert commented on the stormwater management requirements for this property. She stated she supported the floating of ideas and noted the north side of the building was somewhat monolithic. She recommended the city take a chess and not checkers approach to the features from site to site within this development. She wanted to be assured the buildings made sense from 360 degrees.

Wiersum stated there was a lot of exciting things taking place in Opus. He explained people were already moving into the Dominium project. He indicated he was struggling with the notification area for this project. He suggested the notification area be expanded for Opus projects given the number of significant changes occurring within this property.

Schaeppi agreed with Mayor Wiersum.

<u>Kirk moved, Schack seconded a motion to introduce the ordinance amending the master development plan and refer it to the planning commission.</u> All voted "yes." Motion carried.

13. Public Hearings: None

#### 14. Other Business:

- A. Items concerning Dick's Sporting Goods at 12437 Wayzata Boulevard:
  - 1) Amendment to an existing master development plan;
  - 2) Site and building plan review;
  - 3) Sign plan amendment

The applicant requested this item be tabled to the February 8, 2021 City Council Meeting.

#### B. 2040 Comprehensive Plan

City Planner Loren Gordon gave the staff report.

Kirk thanked Councilmember Calvert for attending all of the comprehensive plan committee meetings. He stated he was happy to be a part of this committee as well.

Calvert discussed the committees she serves on with Metro Cities. She explained she appreciated city staff and all who served on the comprehensive plan committee. She stated she was proud of this document and how it would guide Minnetonka into the future.

Coakley commented on the number of residents in Minnetonka that paid more than 30% of their income for housing. She encouraged the city to continue to think about how to bring diverse and affordable housing into the community. She suggested the city also make new homeowners aware of the resources available from Land Trust West.

Schack thanked all of the community members who served on the comprehensive planning committee. She stated there was a diverse group of individuals that served on this committee and noted these people gave a great deal of time to this process.

Wiersum thanked former Mayor Schneider for chairing the committee. He thanked staff for all of their diligent work on this document.

<u>Kirk moved, Schack seconded a motion to adopt the Resolution 2021-009 approving the 2040 Comprehensive Plan and Comprehensive Sewer Plan.</u> All voted "yes." <u>Motion carried.</u>

#### C. Update on ranked choice voting implementation

City Attorney Corrine Heine and Administration Manager Moranda Dammann gave the staff report.

Calvert thanked staff for the detailed report. She stated she understood early voting would begin on September 17, 2021 and an article on ranked choice voting (RCV) would be printed in the *Minnetonka Memo* September 25, 2021. She suggested this article be printed earlier in the year to assist in properly educating the public.

Wiersum supported the council making suggestions to staff about how to education the public regarding RCV. He indicated the council may want to consider printing a special edition of the *Minnetonka Memo* for RCV. City Manager Geralyn Barone reported an RCV article would be published in the *Minnetonka Memo* on August 25, 2021, which would occur prior to early voting.

She commented further on the comprehensive voter education that would occur in the coming months.

Schaeppi requested further information on if the ordinance would require something to be mailed to homeowners. Heine discussed the requirements within the St. Paul ordinance noting the city clerk was required to mail information to residents at least eight weeks prior to the election. She explained if this requirement was included in the ordinance, city staff would meet this requirement. Further discussion ensued regarding the information that would be provided to candidates interested in filing for candidacy.

Kirk asked if the city would be collaborating with any other cities on this initiative. Dammann reported staff would be collaborating with St. Louis Park to discuss their voter education efforts. She noted all of the city's efforts would be branded and specific to the City of Minnetonka.

Kirk questioned if Minnetonka should move forward with only being able to vote for three candidates with RCV. Heine recommended the council set a number within the ordinance. She discussed how complicated the ballots became if the council allowed residents to vote for up to six candidates. She recommended the council be extremely clear within the ordinance in order to not have residents raising questions regarding the election system.

Kirk requested further information regarding exhausted ballots. Heine explained exhausted ballots depend on a number of different variables. She stated if only three candidates run and only three ranks are allowed, there would still be people who only vote for one candidate. She indicated this could lead to an exhausted ballot. She reported if there were 20 candidates and six ranks were allowed, the city would have fewer exhausted ballots.

Kirk stated he supported the city only allowing three rankings within RCV.

Coakley commented on the St. Louis Park ordinance as it allows for three, but no more than six rankings. She recommended Minnetonka consider this same option. She suggested the city consider educating the public at parent teacher conferences.

Schack asked if the city has looked into the number of rounds that it takes to find a majority candidate for RCV.

Carter questioned if this dialogue was building towards some formal action when this was an update item.

Wiersum stated this was a discussion item and no formal action was required. Barone reported staff was looking for guidance on how to draft the ordinance.

Wiersum inquired if the council would have the flexibility to make changes to the ordinance after holding its first RCV election. He asked if this has occurred in Minneapolis or St. Paul. Heine commented Minneapolis has modified their ordinance three times and now provides for batch elimination of candidates. She explained this reduces the number of rounds that has to be performed. She advised the council would be able to make changes to its RCV ordinance through an ordinance amendment

Schack thanked staff for the information regarding batch elimination and commented she was comfortable with allowing three rankings. She explained she had the utmost faith that staff would properly educate the voting public on RCV and information on this did not have to be included in the ordinance.

Calvert agreed with Councilmember Schack. She indicated she was somewhat conflicted about the number of rankings that should be allowed, but noted she supported three rankings. She also had the utmost faith in city staff and their ability to educate the public on RCV. She recommended that candidates not be allowed to withdraw in the middle of voting or ballot counting.

Kirk and Schaeppi concurred with Councilmember Calvert's comments.

Coakley stated she did not support candidates being allowed to withdraw from the counting. She indicated she would like to see the rankings be three but no more than six, as was done in St. Louis Park. She thanked staff for laying out a detailed plan for voter education and encouraged staff to partner with the school district.

Carter commented she has agreed with what has been said about communications. She reported there was no reason a candidate couldn't conduct education about RCV within their campaign. Heine advised this would be allowed.

Carter stated she supported three rankings within RCV. She indicated her only concern was that if this was limited to three the process may not be open enough. She understood that changes could be made in the future if three was not adequate.

Calvert explained she had some of the same hesitation. However, she noted all names would be placed on the ballot and no one would be eliminated in a primary. She indicated she supported the city partnering with the school district in order to engage families in RCV.

Wiersum commented it was important to clarify the number of candidates was not limited, just the number of rankings would be limited to three. He stated he supported the recommendations that had been made by the council. He noted RCV would be a big change and he wanted to make it understandable to the general public. He understood it was important to get this right, but appreciated the fact that the city would not be painted into a corner. He explained he was pleased the council could refine the RCV process after the first election was held.

Provided comments to staff. No formal action required.

#### 15. Appointments and Reappointments:

### A. Appointments and reappointments to Minnetonka boards and commissions

Wiersum gave the staff report.

<u>Wiersum moved, Carter seconded a motion to approve the recommended appointments and reappointments.</u> All voted "yes." <u>Motion carried.</u>

### B. Appointment of representatives to various advisory boards, commissions and committees

Wiersum gave the staff report.

<u>Wiersum moved, Calvert seconded a motion to approve the appointments.</u> All voted "yes." <u>Motion carried.</u>

#### 16. Adjournment

<u>Kirk moved, Calvert seconded a motion to adjourn the meeting at 8:43 p.m.</u> All voted "yes." <u>Motion carried.</u>

Respectfully submitted.

Becky Koosman City Clerk

# Minutes City of Minnetonka City Council Closed Meeting Monday, Feb. 1, 2021

Council Present: Deb Calvert, Susan Carter, Kissy Coakley, Brian Kirk, Rebecca Schack,

Bradley Schaeppi, and Mayor Brad Wiersum

**Staff:** Geralyn Barone, Mike Funk, Corrine Heine, John Vance, and Scott

Boerboom

1. Closed session to receive a security briefing as allowed pursuant to Minn. Stat. 13D.05, subd. 3(d)

Wiersum called the meeting to order at 5:45 p.m.

Wiersum explained that the purpose of the meeting is to receive a security briefing from Chief Scott Boerboom regarding emergency response procedures to be utilized in the event of unruly public demonstrations and civil unrest.

<u>Calvert moved, Kirk seconded a motion to enter closed session, pursuant to Minnesota</u> Statute 13D.05, subd. 3(d).

All voted "yes". Motion carried.

The meeting was reopened at 6:21 p.m.

Kirk moved, Carter seconded a motion to adjourn the meeting at 6:22 p.m.

All voted "yes. Motion carried.

Respectfully submitted,

Kyle Salage Elections Specialist

# Minutes City of Minnetonka City Council Study Session Monday, Feb. 1, 2021

Council Present: Deb Calvert, Susan Carter, Kissy Coakley, Brian Kirk, Rebecca Schack,

Bradley Schaeppi, and Mayor Brad Wiersum

**Staff:** Geralyn Barone, Mike Funk, and McKaia Ryberg

Wiersum called the meeting to order at 6:31 p.m.

#### 1. Reports from City Manager & Council Members

Barone reported on the upcoming city council schedule, noting that there will be a closed session on Feb. 8 prior to the regularly scheduled city council meeting. She also noted that councilmembers will meet with six local legislators on Friday, Feb. 5. This meeting will be held virtually, and it will be livestreamed for public viewing.

#### 2. Boards and Commissions Interviews – Sustainability Commission

Barone noted that the Sustainability Commission is a new city commission, and many residents expressed interest in participating. There will be nine seats on the commission. Of these, two will be student members, one will be a Planning Commission member serving in a dual-role capacity, and one will be a Park Board member serving in a dual-role capacity. The scheduled interviews are for the two student seats and the five other seats on the commission.

Carter asked for clarification as to whether candidates currently serving on either planning commission or park board should be considered to be seeking the dual-role appointment, or to be considered wishing to leave the body on which they currently serve. Wiersum stated that the park board and planning commission members, respectively, who are selected for dual-serving roles, must be appointed by the body on wish they currently serve. Therefore, if an individual on either planning commission or park board is interviewed for the sustainability commission, it should be because their intention is to vacate their seat on the body they currently serve.

Barone noted that one of the candidates to be interviewed just completed eight years of service on the park board, but their final term completed and they are no longer a member.

Council interviewed the eighteen scheduled candidates.

After the completion of the interviews, councilmembers offered questions and comments.

Barone stated that candidate ratings sheets should be completed by Friday, Feb. 5 at 4:30 p.m. Wiersum noted he will then review those ratings and prepare his appointment recommendations by Tuesday, Feb. 9.

#### Minutes City of Minnetonka City Council Study Session Monday, Feb. 1, 2021

#### 3. Adjournment

Wiersum adjourned the meeting at 10:06 p.m.

Respectfully submitted,

Kyle Salage Elections Specialist

#### City Council Agenda Item #6A Meeting of Feb. 8, 2021

**Brief Description:** Recognition of former charter commission member Karen

Anderson

**Recommended Action:** Recognize Karen Anderson

#### **Background**

After 14 years of service, Karen Anderson is stepping down from the Minnetonka Charter Commission. Her time on the commission caps more than three decades of service to the city and its residents, including two terms as a city council member-at-large, and three terms as mayor.

Karen Anderson has left a firm imprint on Minnetonka as both a city and a community. During her tenure on the city council and as mayor, from 1986 to 2005, she exemplified the local government leadership for which Minnetonka is known. She chaired or co-chaired numerous bodies, including the Governor's Metropolitan Council Nominating Committee, Metropolitan Council's Livable Communities Advisory Committee, and Regional Council of Mayors. She served as president of the National League of Cities, League of Minnesota Cities and Association of Metropolitan Municipalities, and she served as a member on national and regional entities, including the National Emergency Managers Association Homeland Security Committee and the National Association of Regional Councils Board of Directors.

Since 2007, Karen has served as a member of the Minnetonka Charter Commission. She has provided thoughtful perspective on nine amendments to the city's charter, including amendments that addressed employee health and wellness incentives, an employee code of ethics, acquisition of land for park and open space purposes, purchasing authority of the council and city manager, the manner in which council vacancies are to be filled, and the ability to make temporary appointments to the city council due to the illness or extended absence of a council member. In her final year on the commission, Karen culminated her service by attending nine commission meetings, reviewing voluminous materials, asking knowledgeable questions and providing keen observations on the subject of ranked choice voting for mayoral and council elections.

The city is grateful for Karen's strong voice, leadership and dedication to Minnetonka and its residents.

#### Recommendation

Recognize Karen Anderson

Submitted through:

Geralyn Barone, City Manager

Originated by:

Corrine Heine, City Attorney

#### City Council Agenda Item #6B Meeting of Feb. 8, 2021

Brief Description Boards and Commissions Interviews – Senior Advisory Board

**Recommendation** Interview the candidates

#### Background

At the Jan. 4, 2021 city council meeting, staff presented a number of recommendations and discussion points for the council to consider regarding the annual boards and commissions appointment process. Due to the high volume of applications for this year, particularly for the new Sustainability Commission, interviews have been taking place over a series of meetings at the beginning of the new year.

The first stage of interviews took place on Jan. 11, 2021 for the Planning Commission and Park Board vacancies. The council then held the second stage of interviews, taking place on Feb. 1, 2021 for the Sustainability Commission openings. The council is now on the first of three designated dates for the Senior Advisory Board interviews. The remaining interviews for this board will take place at the Feb. 22, 2021 and Mar. 8, 2021 regular meetings. The council will be using a ranking system to rank the top applicants for each board or commission with openings, with the mayor reviewing the final list of applicants to ensure diversity.

The following openings exist on the Senior Advisory Board:

• Up to 5 regular appointments

#### **Expanded recruitment**

The city developed and implemented a strategic communications and marketing plan to recruit boards and commissions applicants, with emphasis on facilitating an inclusive, community-wide appointment process and filling a new commission (sustainability). The openings were advertised in the Minnetonka Memo, on the city's website and several times via mass emails, text messages and social media posts. Staff distributed recruiting posters to apartment buildings, businesses and city facilities, and directly marketed the openings to school districts and high school organizations, faith communities, city volunteers, recent citizen's and police academy participants and the media. A promotions toolkit was provided to council to assist with promotion. A chart is attached to outline the promotional efforts in greater detail.

#### **Application data**

The city received 129 applications in the application period with a large amount of applications for the new Sustainability Commission. The breakdown below shows the application numbers for each board and commission. The numbers in the breakdown will not total 129, as applicants may have applied to more than one board or commission. Eligible applications will be retained for one year in the event of any mid-year vacancies.

• \*EDAC: 5 applications

Park Board: 27 applications

• Planning Commission: 28 applications

• Senior Advisory Board: 13 applications

• Sustainability Commission: 100 applications

#### **Diversity**

Staff sent an anonymous demographics survey to all current boards and commission members, excluding the Charter Commission as council does not appoint those members. Twenty-nine of the thirty-three members responded to the survey. The three questions asked on the anonymous survey were the same demographics questions asked on the revised application. Breakdown of responses are listed below.

1. Are you a veteran or active service?

Yes: 2 responsesNo: 27 responses

2. What is your race/ethnicity?

• Approximately 10% of respondents identified as non-white or BIPOC

3. What is your primary spoken language?

• English: 29 responses

In the new applicant pool, 12% of the applicants identified as non-white or BIPOC (Black, Indigenous, people of color).

#### **Interviews**

Because of the number of applicants for this board and the number of open positions, staff recommended that all Senior Advisory Board applicants who have not been appointed to another board or commission, be interviewed. The candidates have been scheduled by alphabetic order of their first names. To ensure equitable access, all candidates will be calling into the virtual study session with audio only (no video). Interviews will last approximately ten minutes each. Each applicant will be asked to give a brief (about three minutes) presentation of his/her background. Then the applicant will be asked to respond to questions from the council. The applicants may also ask the council any questions they may have at the end of the interview.

Name	Ward
*Barbara A Benjamin	1
*Carol Seiler	1
Carole B Harris	1
*Douglas W Scott	2

<sup>\* =</sup> confirmed interview attendance at the time packet was distributed

#### Submitted through:

Brad Wiersum, Mayor Geralyn Barone, City Manager Mike Funk, Assistant City Manager

#### Originated by:

McKaia Ryberg, Assistant to the City Manager

#### **Boards and Commissions Outreach**

Time Frame	<b>Contact Method</b>	Groups Reached	Information Provided
Early November	Minnetonka Memo	City-Wide (approx 21,000)	Notification about newly established SC
Late November	Email	Local Newspapers - Sun Sailor - Lake Minnetonka Magazine	Notification about new SC and open positions
	Website	Webpage Visitors	SC webpage created
	Minnetonka Memo	City-Wide (approx 21,000)	Promotion of open B/C positions
	Social Media*	Social Media Followers (approx. 32,000)	Promotion of open B/C positions (Dec. 1, 8)
	Mass Email/Text	Select Groups (7,403 total subscribers)	Promotion of open SC positions
	Email	Additional Groups - Citizens Academy - Natural Resources Volunteer Group - Faith Based Community	Promotion of open B/C positions
	Email	Apartment Managers (54)	PDF Flyer promoting open B/C positions
Early December	Email	Area Environmental Groups - Minnetonka Climate Initiative - Great Plains Institute - Alliance for Sustainability - Minnetonka Energy Action Team - Sierra Club - Midwest Energy News - Minnesota Environmental Partnership	Notification about new SC and open positions (with electronic flyer)
	Email	Area Schools and Club Advisors:  - Hopkins HS Clubs (13)  - Minnetonka HS Clubs (11)  - Wayzata HS Clubs (10)  - District 287  - Eagle Ridge Academy  - Lions Gate Academy  - Minnetonka Christian Academy	Notification about new SC and open young adult positions (with electronic flyer)

	Social Media*	Social Media Followers (approx. 32,000) and Hopkins, Minnetonka, Wayzata High Schools tagged	Post promoting open young adult positions on SC (Dec. 17)
	Email	School district communications staff	Requested promotions – particularly regarding young adult SC positions – be shared with parents and students
	Email	All Science and Social Studies Teachers at Hopkins, Minnetonka and Wayzata High Schools (150 teachers emailed)	Notification about new SC and open young adult positions (with electronic flyer)
Mid December	Email	Apartment Managers (54)	Follow up to previous email sent in Early December. 13 building managers confirmed that they would share this information with their residents:  - Altitude - Applewood Pointe - Beacon Hill Terrace - Brier Creek - Cherrywood Pointe - Minnetonka Heights - Minnetonka Hills - Oaks Glen Lake - The Glenn - The Orchards of Minnetonka - The Ridge - The Rize at Opus - Waterstone Place.  (Attached are photos of flyers posted in buildings).
	Social Media*	Social Media Followers (approx. 32,000)	Post promoting open planning commission position (Dec. 21)
	Mass Email/Text	Select groups (6,245 total subscribers)	Message promoting open planning commission position (Dec. 21)

Meeting of Jan. 11, 2021 Page 3
Subject: Boards and Commissions Outreach

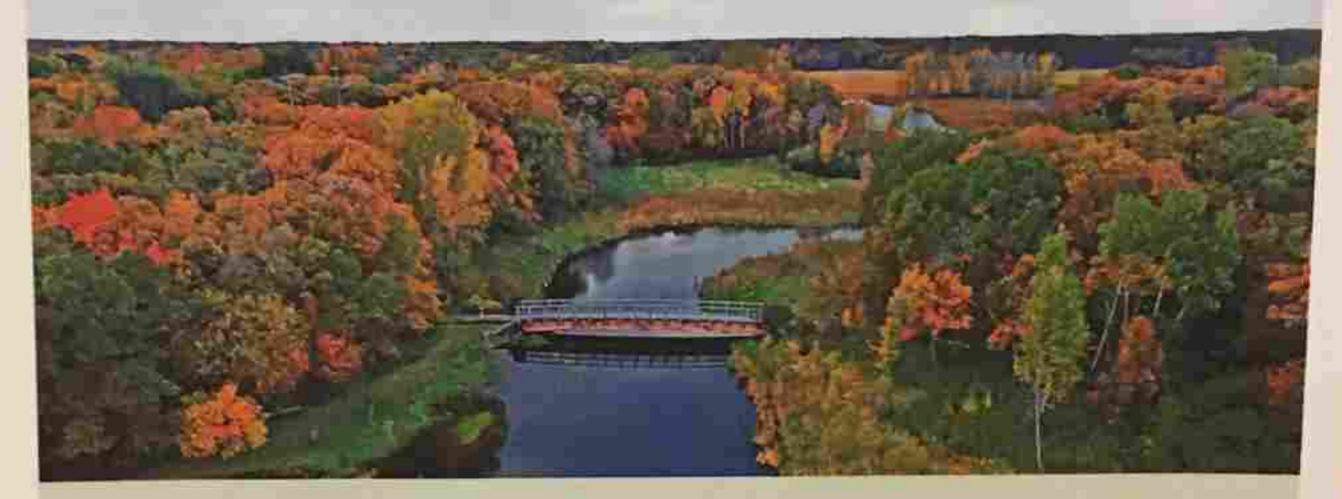
Late December	Social Media*	Social Media Followers (approx 32,000)	Promotion of open B/C positions (Dec. 28)
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\*Social Media includes Facebook, Instagram, Twitter and Nextdoor

Originator: Drew Ingvalson, Planner

Management Upda Beacon Hill

# MAKE A DIFFERENCE IN OUR COMMUNITY



## Apply to serve on a city board or commission

Do you want to make a positive impact in our community and get involved in local government? Apply to serve on a City of Minnetonka board or commission, including the new sustainability commission!

## We're seeking Minnetonka residents to fill the following openings:

- Sustainability commission
- o Five adult members
- o Two young adult members under 25 years old, one of which must attend Minnetonka, Hopkins or Wayzata High School
- · Park Board
- Senior Advisory Board

## Learn more and apply by Jan. 1, 2021

Visit minnetonkamn.gov/boards-commissions to learn more and apply online by Jan. 1, 2021. The online application is equipped with Google translate to accommodate a variety of languages.

Questions? Call 952-988-8211 or email mryberg@minnetonkamn.gov.



- It is never recommended to leave valuables in your vehicle (especially a purse or wallet); but if there is no other option, place items out of sight, preferably in a trunk, before arriving at your
- Remove garage door openers from view inside your vehicle.
- Prevent identity theft Never carry your social security number in your purse/wallet; and, minimize the number of credit cards and other valuables you carry.
- Secure a list of credit cards and contact numbers so that in the case of theft, you can quickly cancel
- Immediately call 911 to report suspicious activity, such as someone peering into vehicle windows.

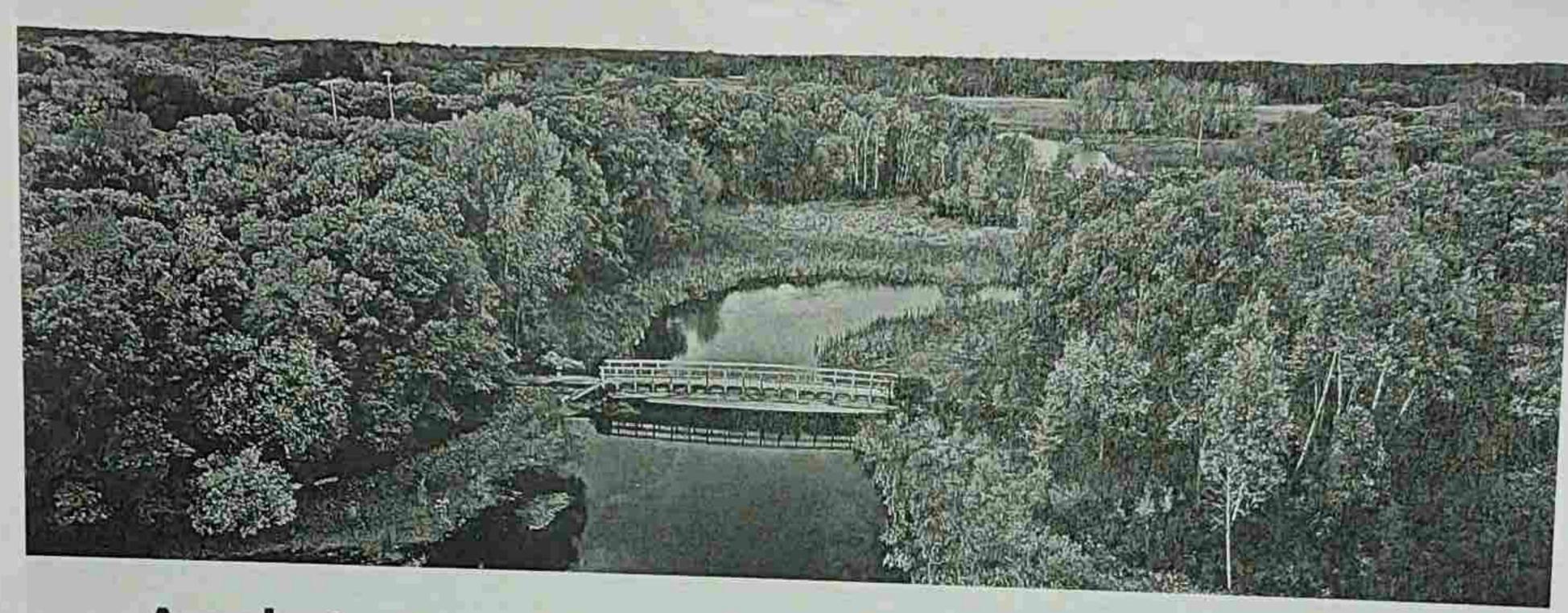
Geff Sebenaler

Jeffrey J. Sebenaler Chief of Police March 24, 2016



# Brier Creek groceries, lat required by t Please remov from your dod For questions contact the Bri Thank you, Brier Creek Mar

# MAKEADIFFERENCE IN OUR COMMUNITY



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#### City Council Agenda Item #10A Meeting of Feb. 8, 2021

**Brief Description** Resolution approving a conditional use permit for an accessory

apartment at 14303 Oakwood Road Extension

**Recommendation** Adopt the resolution approving the request

#### **Proposal**

Bob Rehberg, on behalf of R&R Construction of Mpls, Inc., submitted a building permit for the construction of a new home at 14303 Oakwood Road Extension. The new home includes a 600 square foot accessory apartment. The apartment would include living space, a kitchen, and a bathroom. The apartment would also include a screen porch and a greenhouse. The apartment requires a conditional use permit.

#### **Planning Commission Hearing**

The planning commission considered the request on Jan. 21, 2021. The commission report, associated plans, and meeting minutes are attached.

Staff recommended approval, finding:

- The apartment would meet the intent of the city's accessory apartment ordinance. It
  would provide a housing type that affords privacy and independence while maintaining
  the character of the existing single-family neighborhood.
- The apartment has been well designed. The apartment would not be visible from the street, as it would be located behind the newly constructed garage and would not have any visible exterior accesses.
- The proposed apartment would meet all conditional use permit standards.

At the commission meeting, a public hearing was opened to take comment, and the commissioners did not have any questions.

#### **Planning Commission Recommendation**

On a 6-0 vote, the commission recommended that the city council approve the proposal. The meeting minutes are attached.

#### **Since Planning Commission Hearing**

There have been no changes to the proposal or additional information received since the planning commission's meeting on this item.

<sup>&</sup>lt;sup>1</sup> By City Code Sec. 300.02, an accessory apartment is a smaller secondary dwelling unit, located within a principal dwelling unit that includes provisions for sleeping, cooking, and sanitation independent of the principal dwelling unit. This definition includes secondary dwelling units that have exterior entrances separate from the principal dwelling unit and secondary dwelling units that are accessed only through the principal dwelling unit.

#### **Staff Recommendation**

Staff recommends the city council adopt the resolution approving a conditional use permit for an accessory apartment at 14303 Oakwood Road Extension.

Through: Geralyn Barone, City Manager

Julie Wischnack, AICP, Community Development Director

Loren Gordon, AICP, City Planner

Originator: Ashley Cauley, Senior Planner

#### MINNETONKA PLANNING COMMISSION Jan. 21, 2021

Brief Description Conditional use permit for an accessory apartment at 14303 Oakwood

Road Extension

**Recommendation** Recommend the city council adopt the resolution approving the

request

#### Proposal

Bob Rehberg, on behalf of R&R Construction of Mpls, Inc., submitted a building permit for the construction of a new home at 14303 Oakwood Road Extension. The new home includes a 600 square foot accessory apartment. The apartment would include living space, kitchen and a bathroom. The apartment would also include a screen porch and a greenhouse. The apartment requires a conditional use permit.

#### **Staff Analysis**

Staff finds that the applicant's proposal is reasonable.

- The apartment would meet the intent of the city's accessory apartment ordinance. It
  would provide a housing type which affords privacy and independence, while
  maintaining the character of existing single-family neighborhood.
- The apartment has been well designed. The apartment would not be visible from the street, as it would be located behind the newly constructed garage and would not have any visible exterior accesses. Given this, the apartment would not alter the singlefamily character of the area or substantially impact the surrounding neighborhood.
- The proposed apartment would meet all conditional use permit standards. Those standards, as well as staff's findings, can be found in the "Supporting Information" section of this report.

#### **Staff Recommendation**

Recommend that the city council adopt the resolution approving a conditional use permit for an accessory apartment at 14303 Oakwood Road Extension.

Originator: Ashley Cauley, Senior Planner
Through: Loren Gordon, AICP, City Planner

<sup>&</sup>lt;sup>1</sup> By City Code Sec. 300.02 an accessory apartment is a smaller secondary dwelling unit, located within a principal dwelling unit that includes provisions for sleeping, cooking, and sanitation independent of the principal dwelling unit. This definition includes secondary dwelling units that have exterior entrances separate from the principal dwelling unit and secondary dwelling units that are accessed only through the principal dwelling unit.

#### **Supporting Information**

**Project No.** 20028.20a

**Property** 14303 Oakwood Road Extension

**Applicant** R&R Construction of Mpls, Inc.

Surrounding Land Uses

All surounding properties are improved with single family residential homes, zoned R-1, and guided low density residential home.

**Planning** Guide Plan designation: Low density residentail

Zoning: R-1, low density residentail

CUP Standards The proposal would meet the general conditional use permit

standards as outlined in City Code §300.16 Subd.2:

1. The use is consistent with the intent of this ordinance;

- 2. The use is consistent with the goals, policies and objectives of the comprehensive plan;
- The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and
- 4. The use does not have an undue adverse impact on the public health, safety or welfare.

The proposal would meet the general conditional use permit standards as outlined in City Code §300.16 Subd. 3(d):

1. To be created only on property zoned for single family detached dwellings and no more than apartment to be created.

**Finding:** The property is zoned R-1 and does not currently contain an accessory apartment. The apartment would be the only apartment on the property.

2. Structures in which an accessory apartment is created to be owner-occupied, with the owner residing in either unit on a continuous basis except for temporary absences throughout the period during which the permit is valid;

**Finding:** This has been included as a condition of approval.

3. Adequate off-street parking to be provided for both units of housing with such parking to be in a garage, carport, or on a paved area specifically intended for that purpose but not within a required turnaround;

**Finding:** The newly constructed home includes a three-car garage. Additional parking space is provided within the driveway.

4. May be created by the conversion of living space within the house but not by conversion of garage space unless space is available for a two car garage on the lot without the need for a variance.

**Finding:** The accessory apartment would be located behind a new garage. It would not be within existing – or proposed – garage space.

5. An accessory apartment must be no more than 35 percent of gross living area of the house or 950 square feet, whichever is smaller. The gross living area includes the accessory apartment. The city council may approve a larger area where the additional size would not substantially impact the surrounding neighborhood.

**Finding:** The proposed apartment would be 600 square feet in size, only 13 percent of the gross living area of the new home.

6. Exterior changes to the house must not substantially alter the single family character of the structure;

**Finding:** The apartment would be well designed and integrated into the newly constructed house. The apartment would be located in the rear of the new garage and would not be visible from the roadway. Given this, the apartment would not alter the single-family character of the structure.

 No apartment to be created except in compliance with all applicable building, housing, electrical, plumbing, heating and related codes of the city;

**Finding:** The accessory apartment would be required to meet all codes at the time that a certificate of occupancy is issued.

8. To be permitted only where it is demonstrated that the accessory unit will not have an undue adverse impact on adjacent properties and where there will not be a substantial alteration of the character of the neighborhood; and

**Finding:** The apartment has been well designed and integrated into the newly constructed house. Given this, the apartment would not alter the single-family character of the area or the neighborhood.

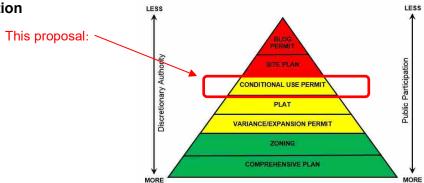
9. All other provisions of this ordinance related to single family dwelling units to be met, unless specifically amended by this subdivision.

**Finding**: The accessory apartment would comply with all other ordinance standards.

#### **Natural Resources**

Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance of a temporary rock driveway, erosion control, and tree protection fencing. As a condition of approval the applicant must submit a construction management plan detailing these management practices.

#### **Pyramid of Discretion**



#### **Motion Options**

The planning commission has three options:

- 1. Concur with staff recommendation. In this case, a motion should be made recommending the city council adopt the resolution approving the request.
- 2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the request. This motion must include a statement as to why denial is recommended.
- 3. Table the requests. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

#### **Voting Requirement**

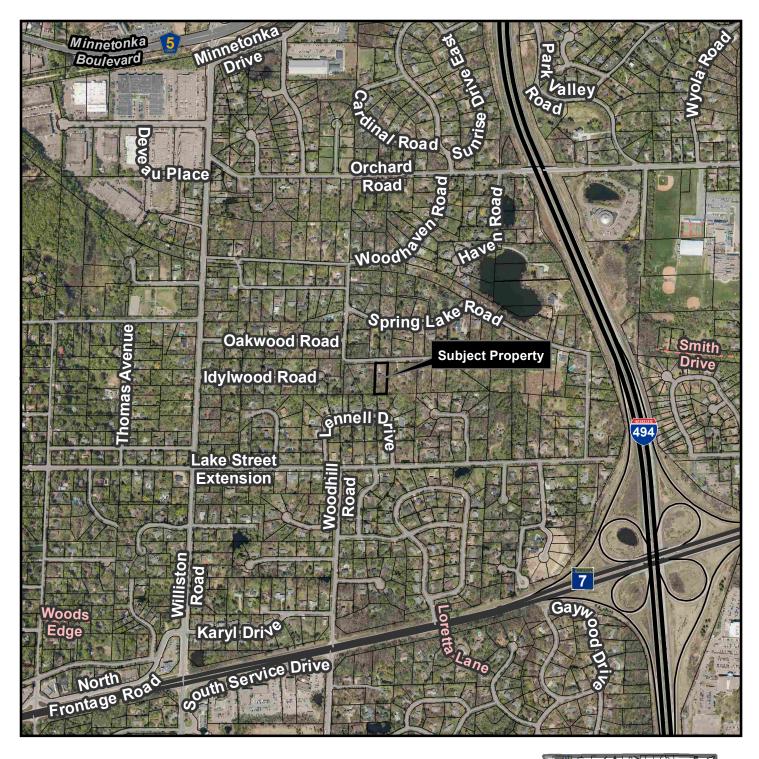
The planning commission will make a recommendation to the city council, which has final authority on the applicant's request. Approval of the requested CUP requires the affirmative vote of a simple majority of councilmembers.

### Neighborhood Comments

The city sent notices to 38 area property owners and received no comments.

### Deadline for Decision

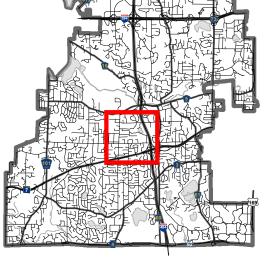
April 16, 2021





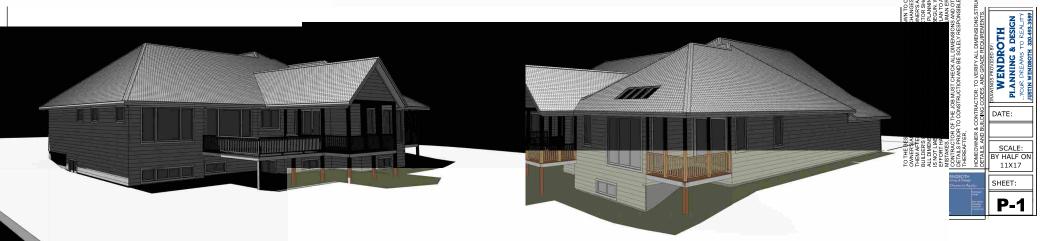
Project:R & R Construction Address: 14303 Oakwood Rd Ext

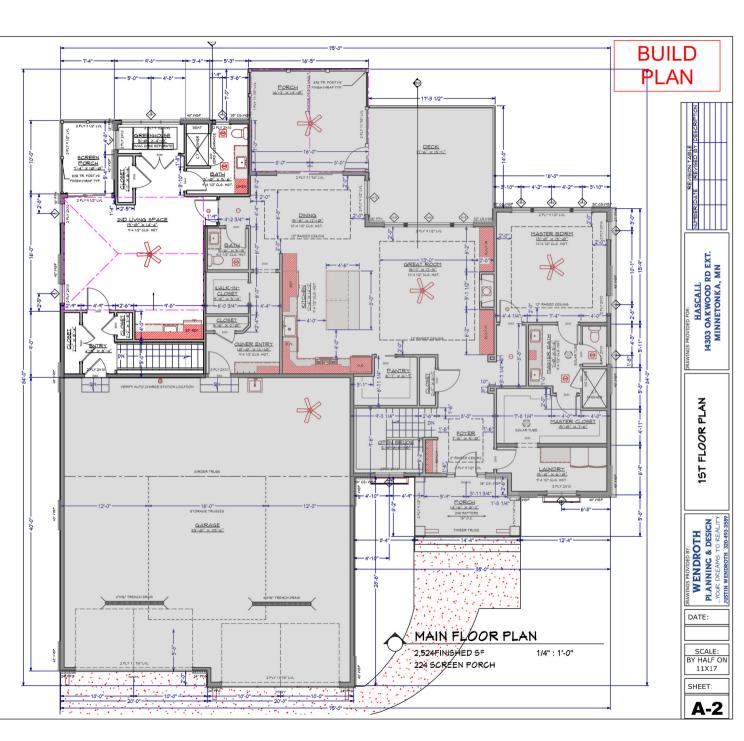


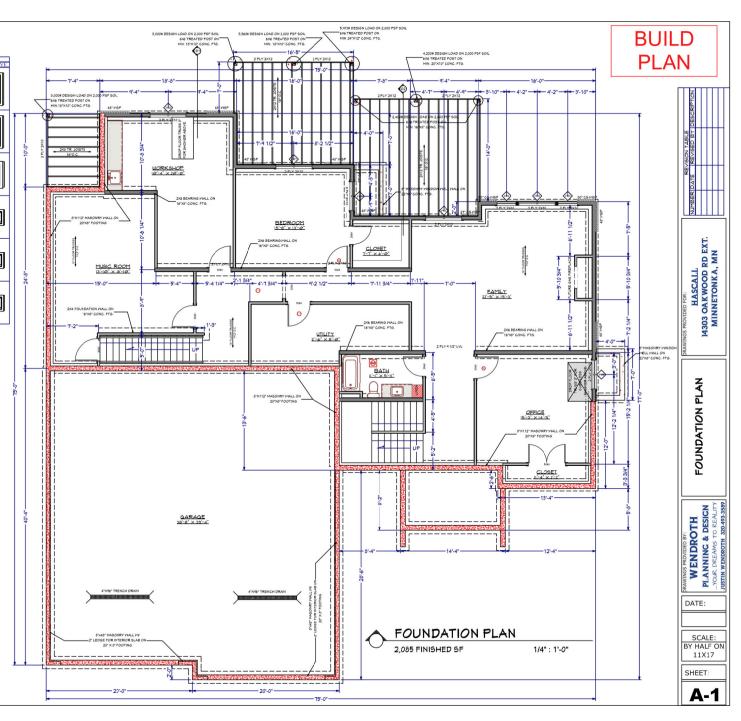


#### CERTIFICATE OF SURVEY ~for~ R&R CONSTRUCTION ~of~ 14303 OAKWOOD ROAD EXTENSION MNDOT GSID STATION: 11335 MNDOT NAME: ELLER MNDT RM2 ELEVATION: 1057.062 (NAVD 88) 110 (DESC.) 109.34 (MEAS.) S88°06'08"W 1034.46 (MEAS.) NE CORNER OF THE S 1/2 OF THE 1034 (DESC.) N 1/2 OF THE SW 1/4 OF NW 1/4 OF N. LINE OF THE S. 1/2 OF THE N. 1/2 OF SEC. 22, T. 117, R. 22 SW 1/4 OF NW 1/4 ROCK CONSTRUCTION ROADWAY OF SEC. 22 **ENTRANCE REQUIRED** EASEMENT OAKWOOD ROAD/EXTENSION ×1002.4 ×1004.7 1004.6 SOUTH LINE OF OAKWOOD ROAD EXTENSION 1012.8× ×10.13 109.0 (MEAS.) 110 (DESC.) ×1013.9 S GARAGE ×1008.0 FLR:1014. EXISTING HOUSE EXISTING HOUSE ×1007.0 E. LINE OF SW 1/4 OF NW 1/4 OF SEC. 22, T. 117, R. 22 PROPOSED HOUSE ×1007.7 1011.6 DECK ×1010.3 1011.6 PORCH ×1010.0 ×1011.3 √1010.9 ×1009.3 1009.5× 1009.2× 1008.8 TREE PINK 6IN 1008.8 TREE PINK 4IN 1008 SE CORNER OF THE S 1/2 OF THE N 1/2 OF THE SW 1/4 OF NW 1/4 OF SEC. 22, T. 117, R. 22 109.37 (MEAS.) N87°53'24"E ..1034 (DESC.). 110 (DESC.) S. LINE OF THE N. 1/2 OF SW 1/4 OF NW 1/4 S. LINE OF WILLISTON PARK TERRACE AS MONUMENTED OF SEC. 22 WILLISTON PARK DIAG: 97.00 X 77.00 = 123.85 (9 FOOT POURED WALL BASEMENT WITH TRANSOM WINDOWS) **PROPOSED ELEVATIONS** TOP OF WALL @ HOUSE = 1015.0 Field survey was completed by E.G. Rud and Sons, Inc. on 10/7/2020. DENOTES IRON MONUMENT FOUND AS LABELED TOP OF WALL @ FRONT OF GARAGE= 1014.5 GARAGE FLOOR @ OVERHEAD DOORS = 1014.1 DENOTES IRON MONUMENT SET, MARKED RLS# 41578 Bearings shown are on Hennepin County datum. LOWEST OPENING = 1012.3 DENOTES CLEAN OUT LOWEST FLOOR = 1006.3 TOP OF FOOTING = 1006.0 Parcel ID Number: 22-117-22-23-0005. DENOTES ELECTRICAL BOX **LEGAL DESCRIPTION:** DENOTES EXISTING SPOT ELEVATION X 952.36 Curb shots are taken at the top and back of curb. DENOTES GAS METER (per Doc. No. T05688502) DENOTES MAILBOX - This survey was prepared without the benefit of title work. Additional easements, The West 110.0 feet of the East 1034 feet DENOTES RETAINING WALL restrictions and/or encumbrances may exist other than those shown hereon. Survey of the South 1/2 of the North 1/2 of the **DENOTES EXISTING CONTOURS** subject to revision upon receipt of a current title commitment or an attorney's title Southwest 1/4 of the Northwest 1/4 of DENOTES TREE LINE Section 22, Township 117, Range 22, DENOTES OVERHEAD UTILITY -они -----Hennepin County, Minnesota, said distance Contours shown are a compilation of field measurements by E.G. Rud and Sons, Inc. and DENOTES BITUMINOUS SURFACE being measured along the North and South MnGEO lidar distribution. lines thereof and subject to an easement for DENOTES CONCRETE SURFACE road purposes over the North 50 feet DENOTES PAVER SURFACE thereof. DENOTES PROPOSED ELEVATION DENOTES DIRECTION OF DRAINAGE DENOTES WOOD HUB/METAL SPIKE I hereby certify that this survey, plan AT 11 FOOT OFFSET (UNLESS or report was prepared by me or under OTHERWISE NOTED) my direct supervision and that I am a duly Registered Land Surveyor under DENOTES PROPOSED SILT FENCE the laws of the State of Minnesota. TREE DETAIL DENOTES ELEVATION Date: <u>11/3/2020</u> License No. 41578 DENOTES TREE QUANTITY DENOTES TREE SIZE IN INCHES **NORTH** DENOTES TREE TYPE E.G. RUD & SONS, INC. Professional Land Surveyors 6776 Lake Drive NE, Suite 110 Lino Lakes, MN 55014 Tel (651) 261 2609 Few (651) 261 2701 GRAPHIC SCALE DRAWN BY: BPN | JOB NO: 201159HS | DATE: 10/19/2020 CHECK BY: MMD FIELD CREW: BK/CS ADD PROPOSED HOUSE 1 11/3/2020 BPN 2 3 Tel. (651) 361-8200 Fax (651) 361-8701 1 INCH = 20 FEETNO. DATE DESCRIPTION BY C:\CIVIL 3D PROJECTS\201159HS\201159HS-VOID.DWG









**A-4** 

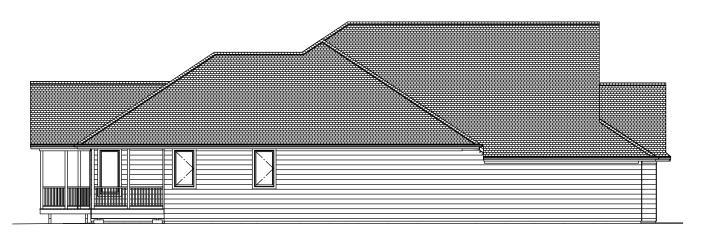
EXTERIOR ELEVATIONS

WENDROTH
WENDROTH
PLANNING & DESIGN
"YOUR DREAMS TO REALITY
JUSTIN WENDROTH 320-493-3599

SHEET:







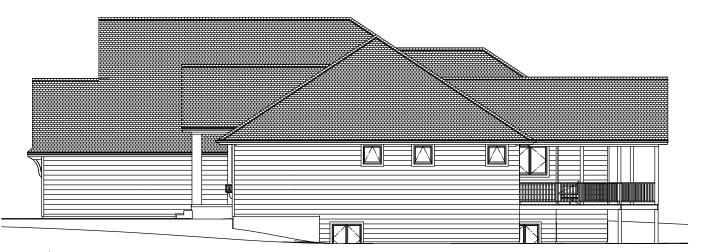


SHEET:

**A-5** 









# A. Resolution approving a conditional use permit for an accessory apartment at 14303 Oakwood Road Extension.

Recommend that the city council adopt the resolution approving a conditional use permit for an accessory apartment at 14303 Oakwood Road Extension.

Powers, Waterman, Hanson, Henry, Luke, and Sewall voted yes. Maxwell was absent. Motion carried and the item on the consent agenda was approved as submitted.

This item is scheduled to be reviewed by the city council Feb. 8, 2021.

## 8. Public Hearings

A. Resolution repealing and replacing Resolution No. 2017-118 for a conditional use permit for a religious institution at 15408 and 15414 Minnetonka Industrial Road.

Chair Sewall introduced the proposal and called for the staff report.

Cauley reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

The public hearing was opened. No testimony was submitted and the hearing was closed.

Luke stated that the application is straight forward and Cauley covered everything in the staff report.

Cauley received an email from the applicant stating that he had nothing to add to the staff report and he was ready for the motion.

Luke moved, second by Powers, to recommend that the city council adopt the attached resolution repealing and replacing Resolution No. 2017-118 for a religious institution at 15408 and 15414 Minnetonka Industrial Road.

Powers, Waterman, Hanson, Henry, Luke, and Sewall voted yes. Maxwell was absent. Motion carried.

#### 9. Other Business

#### A. Opus Alternative Urban Areawide Review (AUAR)

Chair Sewall introduced the proposal and called for the staff report.

Gordon reported. He recommended commissioners receive the report and any public comment that may be provided.

#### Resolution No. 2021-

# Resolution approving a conditional use permit for an accessory apartment at 14303 Oakwood Road Extension

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

## Section 1. Background.

- 1.01 Bob Rehberg, on behalf of R&R Construction of Mpls, Inc., is currently constructing a new home at 14303 Oakwood Road Extension. The new home includes a 600 square foot accessory apartment. The apartment requires a conditional use permit.
- 1.02 The property is legally described as:

Per Doc. No. T05688502

The west 110.0 feet of the East 1034 feet of the south  $\frac{1}{2}$  of the north  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 22, Township 117, Range 22, Hennepin County, Minnesota, said distance being measured along the North and South lines thereof and subject to an easement for road purposes over the North 50 feet thereof.

Torrens certificate number: 1511823

1.03 On Jan. 21, 2020, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

#### Section 2. Standards.

- 2.01 Code §300.16 Subd. 2 outlines the general standards that must be met for granting a conditional use permit. These standards are incorporated into this resolution by reference.
- 2.02 City Code §300.16 Subd. 3(d) outlines the following specific standards that must be met for granting a conditional use permit for such facilities:

1. To be created only on property zoned for single-family detached dwellings and no more than one apartment to be created in any dwelling;

- 2. Structures in which an accessory apartment is created to be owneroccupied, with the owner residing in either unit on a continuous basis except for temporary absences throughout the period during which the permit is valid;
- 3. Adequate off-street parking to be provided for both units of housing with such parking to be in a garage, carport, or on a paved area specifically intended for that purpose but not within a required turnaround;
- 4. May be created by the conversion of living space within the house but not by conversion of garage space unless space is available for a two-car garage on the lot without the need for a variance;
- 5. An accessory apartment must be no more than 35 percent of the gross living area of the house or 950 square feet, whichever is smaller. The gross living area includes the accessory apartment. The city council may approve a larger area where the additional size would not substantially impact the surrounding neighborhood.
- 6. Exterior changes to the house must not substantially alter the single-family character of the structure;
- 7. No apartment to be created except in compliance with all applicable building, housing, electrical, plumbing, heating, and related codes of the city:
- 8. To be permitted only where it is demonstrated that the accessory unit will not have an undue adverse impact on adjacent properties and where there will not be a substantial alteration of the character of the neighborhood; and
- 9. All other provisions of this ordinance relating to single-family dwelling units to be met unless specifically amended by this subdivision.

#### Section 3. Findings.

- 3.01 The proposal meets the general conditional use permit standards outlined in City Code §300.16 Subd.2.
- The proposal meets the specific conditional use permit standards outlined in City Code 300.16 Subd.3(a).
  - 1. The property is zoned R-1 and does not currently contain an accessory apartment. The apartment would be the only apartment on the property.
  - 2. As a condition of this resolution, the property owner must reside in either

- unit on a continuous basis except for temporary absences throughout the period during which the permit is valid.
- 3. The newly constructed home includes a three-car garage. Additional parking space is provided within the driveway.
- 4. The accessory apartment would be located behind a new garage. It would not be within existing or proposed garage space.
- 5. The proposed apartment would be 600 square feet in size, only 13 percent of the gross living area of the new home.
- 6. The apartment would be well designed and integrated into the newly constructed house. The apartment would be located in the rear of the new garage and would not be visible from the roadway. Given this, the apartment would not alter the single-family character of the structure.
- 7. The accessory apartment would be required to meet all codes at the time that a certificate of occupancy is issued.
- 8. The apartment has been well designed and integrated into the newly constructed house. Given this, the apartment would not alter the single-family character of the area or the neighborhood.
- 9. The accessory apartment would comply with all other ordinance standards.

#### Section 4. City Council Action.

- 4.01 The above-described conditional use permit is approved, subject to the following conditions:
  - 1. This resolution must be recorded with Hennepin County.
  - 2. A building permit is required.
  - 3. The accessory apartment must be constructed and maintained in substantial conformance with the floor plans and building elevations attached to the planning commission staff report.
  - 4. The structure must be owner-occupied. The owner must reside in either unit on a continuous basis except for temporary absences throughout the period during which the permit is valid.
  - 5. All other provisions of the ordinance relating to single-family dwelling units must be met unless specifically amended by this resolution.
  - 6. The city council may reasonably add or revise conditions to address any future unforeseen problems.

7. Any change to the approved use that results in a significant change in character would require a revised conditional use permit. Adopted by the City Council of the City of Minnetonka, Minnesota, on Feb. 8, 2021. Brad Wiersum, Mayor Attest: Becky Koosman, City Clerk **Action on this resolution:** Motion for adoption: Seconded by: Voted in favor of: Voted against: Abstained: Absent: Resolution adopted. I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on Feb. 8, 2021.

Page 4

Resolution No. 2021-

Becky Koosman, City Clerk

# City Council Agenda Item #10B Meeting of Feb. 8, 2021

**Brief Description** Items related to a multi-family residential development by

Dominium, at 11001 Bren Road East

**Recommendation** Adopt the resolution

#### Background

On Aug. 27, 2018, the Minnetonka City Council and Economic Development Authority approved the zoning entitlements and financing items related to the Bren Road Station (senior housing) and Preserve at Shady Oak (workforce housing).

On Sept. 14, 2018, the city issued taxable and tax-exempt revenue obligations for the benefit of Minnetonka Leased Housing Associates III, an entity of Dominium Apartments. Dominium used the proceeds of the obligations to provide financing for the acquisition, construction, and equipping of a 262-unit senior housing rental development located at 11001 Bren Road East in the city known as Bren Road Station, formerly known as "Legends of Minnetonka." This action is related to only that portion of the development.

## **Current Financing Request**

The developer, Dominium, is now seeking additional financing for costs related to the construction of the senior housing redevelopment and requests that the city issue tax-exempt revenue notes in the amount of \$500,000. The bonds will be housing conduit bonds and will not impact the city's ability to issue bank-qualified bonds this year. To facilitate this request, the city must approve a new housing program for this project, which is the document that defines the project and how the funds will be utilized. Additionally, the city must provide preliminary approval for the issuance of the notes and hold a public hearing.

Additional technical information regarding this request is included in the attached memo from the city's EDA counsel, Julie Eddington, of Kennedy & Graven.

#### **Next Steps**

The city is required to hold a public hearing on Feb. 22, 2021, regarding the project to receive feedback on the housing program, project, and the proposed issuance of the notes.

#### **Staff Recommendation**

Staff recommends that the city council adopt the resolution providing preliminary approval for the issuance of a revenue note for the benefit of Minnetonka Leased Housing Associates III, LLLP and taking other actions related thereto; and authorize city officials to approve non-substantive changes to the related documents.

Submitted through:

Geralyn Barone, City Manager Julie Wischnack, AICP, Community Development Director Darin Nelson, Finance Director

# Originated by:

Alisha Gray, EDFP, Economic Development and Housing Manager

#### Attachments:

- Memo from Julie Eddington
- Housing Program Document
- Resolution

# **Supplemental Information:**

The Dominium project page with previous meeting dates and staff reports can be found <a href="here.">here.</a>



Offices in

Minneapolis

-----r

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(612) 337-9310 fax www.kennedy-graven.com

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**JULIE A. EDDINGTON** 

Attorney at Law Direct Dial (612) 337-9213 Email: jeddington@kennedy-graven.com

February 2, 2021

Julie Wischnack, Community Development Director Alisha Gray, Economic Development and Housing Manager City of Minnetonka 14600 Minnetonka Boulevard Minnetonka, MN 55345-1502

Re: Resolution providing preliminary approval to the issuance of revenue notes for the benefit of Minnesota Leased Housing Associates III, LLLP

Dear Julie and Alisha,

As you know, on September 14, 2018, the City of Minnetonka (the "City") issued the following revenue obligations: (i) Multifamily Note with designation as Multifamily Housing Revenue Note (Legends of Minnetonka Project), Series 2018A-1 (the "Series A-1 Governmental Note"), in the original aggregate principal amount of \$16,205,000; (ii) Multifamily Note with designation as Multifamily Housing Revenue Note (Legends of Minnetonka Project), Series 2018A-2 (the "Series A-2 Governmental Note," and together with the Series A-1 Governmental Note, the "Tax-Exempt Governmental Notes"), in the original aggregate principal amount of \$16,205,000; (iii) Taxable Multifamily Note with designation as Taxable Multifamily Housing Revenue Note (Legends of Minnetonka Project), Series 2018B-1 (the "Series B-1 Governmental Note"), in the original aggregate principal amount of \$13,189,904; and (iv) Taxable Multifamily Note with designation as Taxable Multifamily Housing Revenue Note (Legends of Minnetonka Project), Series 2018B-2 (the "Series B-2 Governmental Note," and together with the Series B-1 Governmental Note, the "Taxable Governmental Notes"), in the original aggregate principal amount of \$13,189,904. The City made mortgage loans to Minnetonka Leased Housing Associates III, LLLP, a Minnesota limited liability limited partnership (the "Borrower"), using proceeds received from separate loans made to the City, which were evidenced by the Tax-Exempt Governmental Notes and the Taxable Governmental Notes. The Borrower used the proceeds of the mortgage loans to finance a portion of the costs of the acquisition, construction, and equipping of a 262-unit senior housing rental development located at 11001 Bren Road East in the City known Bren Road Station, formerly known as Legends of Minnetonka (the "Project").

The Borrower has determined that it will need additional tax-exempt funds to finish constructing the Project and has requested that the City issue one or more additional series of tax-exempt revenue notes (the "Series 2021 Notes") in an estimated aggregate principal amount not to exceed \$500,000. Enclosed is a resolution to be considered on February 8, 2021, which provides preliminary approval for the issuance of the Series 2021 Notes.

In accordance with Minnesota Statutes, Chapter 462C, as amended (the "Housing Act"), the City will be required to conduct a public hearing on the issuance of the Series 2021 Notes and the approval of a housing program. Additionally, Section 146 of the Internal Revenue Code of 1986, as amended (the "Code"), requires that the Series 2021 Notes receive an allocation of bonding authority of the State of Minnesota. An application for this allocation must be made pursuant to Minnesota Statutes, Chapter 474A, as amended (the "Allocation Act"). The enclosed resolution also authorizes the City to take actions to prepare the housing program and an application for allocation in accordance with Section 146 of the Code and the Allocation Act.

The City Council will conduct the public hearing on February 22, 2021, and the City Council will be asked to consider a resolution providing final approval for the issuance of the Series 2021 Notes and authorizing the execution of financing documents in connection with the Series 2021 Notes.

If issued, the Series 2021 Notes will be secured solely by the revenues derived from the loan agreement to be executed by the City and the Borrower and from other security provided by the Borrower. The Series 2021 Notes will not constitute a general or moral obligation of the City and will not be secured by or payable from any property or assets of the City (other than the interests of the City in the loan agreements) and will not be secured by any taxing power of the City. The Series 2021 Notes will not be subject to any debt limitation imposed on the City, and the issuance of the Series 2021 Notes will not have any adverse impact on the credit rating of the City, even in the event that the Borrower encounters financial difficulties with respect to the Project. In addition, the issuance of the Series 2021 Notes will not affect the ability of the City to issue and designate any general obligation bonds as "qualified tax-exempt obligations" (or "bank-qualified bonds") in calendar year 2021.

The Borrower will agree to pay the out-of-pocket expenses of the City with respect to this transaction as well as the City's administrative fee.

I will attend the City Council meeting on February 8, 2021 and can answer any questions that may arise during the meeting. Please contact me with any questions you may have prior to the City Council meeting.

Sincerely,

Julie A. Eddington

## CITY OF MINNETONKA, MINNESOTA

# HOUSING PROGRAM FOR A MULTIFAMILY HOUSING DEVELOPMENT

Pursuant to Minnesota Statutes, Chapter 462C, as amended (the "Housing Act"), the City of Minnetonka, Minnesota (the "City") is authorized to develop and administer programs to finance the acquisition, construction, and equipping of multifamily housing developments under the circumstances and within the limitations set forth in the Housing Act. Section 462C.07 of the Housing Act provides that such programs for multifamily housing developments may be financed by revenue bonds issued by the City.

On September 14, 2018, the City issued taxable and tax-exempt revenue obligations (the "Series 2018 Obligations") in the original aggregate principal amount of \$62,879,808 for the benefit of Minnetonka Leased Housing Associates III, LLLP, a Minnesota limited liability limited partnership (the "Borrower"). The Borrower used the proceeds of the Series 2018 Obligations to provide financing for the acquisition, construction, and equipping of a 262-unit senior housing rental development located at 11001 Bren Road East in the City known as Bren Road Station, formerly known as Legends of Minnetonka (the "Project"). All or a portion of the dwelling units of the Project will be subject to occupancy limits imposed by federal income tax law and regulations such that only persons and families within designated income limits will be permitted to occupy such units.

The City has received a proposal that it approve a program providing for the financing of additional costs related to the Project. The remaining costs of the Project will be funded through the issuance by the City of one or more series of tax-exempt revenue notes (the "Notes") in the estimated aggregate principal amount not to exceed \$500,000, the proceeds of which will be loaned to the Borrower.

The City, in establishing this multifamily housing program (the "Program"), has considered the information contained in the City's comprehensive plan. The Project will be constructed in accordance with the requirements of Section 462C.05, subdivisions 1 and 2 of the Housing Act.

Section A. <u>Definitions</u>. The following terms used in this Program shall have the following meanings, respectively:

"Borrower" shall mean Minnetonka Leased Housing Associates III, LLLP, a Minnesota limited liability limited partnership.

"City" shall mean the City of Minnetonka, Minnesota.

"Code" shall mean the Internal Revenue Code of 1986, as amended, and the treasury regulations promulgated thereunder.

"Housing Act" shall mean Minnesota Statutes, Chapter 462C, as currently in effect and as the same may be from time to time amended.

"Housing Unit" shall mean any one of the dwelling units financed with the Series 2018 Obligations and the Series 2021 Notes, each located in the Project, occupied by one person or family, and containing complete living facilities.

"Land" shall mean the real property upon which the Project is situated.

"Program" shall mean this housing program for the financing of the Project pursuant to the Housing Act.

"Project" shall mean the 262 units of affordable senior housing to be located at or about 11001 Bren Road East in the City to be acquired, constructed, and equipped by the Borrower.

"Series 2018 Obligations" shall mean the taxable and tax-exempt revenue obligations issued by the City on September 14, 2018, in the original aggregate principal amount of \$62,879,808, the proceeds of which financed a portion of the costs of the Project.

"Series 2021 Notes" shall mean the revenue bonds to be issued by the City in the estimated aggregate principal amount not to exceed \$500,000 to finance the additional costs of the Project.

Section B. Program for Financing the Project. It is proposed that the City establish this Program to provide financing for the remaining costs of the Project at a cost and upon such other terms and conditions as are set forth herein and as may be agreed upon in writing between the City, the initial purchasers of the Series 2021 Notes, and the Borrower. The City expects to issue the Series 2021 Notes in one or more series as soon as the terms of the Series 2021 Notes have been agreed upon by the City, the Borrower, and the initial purchaser(s) of the Series 2021 Notes. The proceeds of the Series 2021 Notes will be loaned to the Borrower to finance all or a portion of the remaining costs of the Project, to fund any required reserves, to pay interest on the Series 2021 Notes during construction of the Project, if necessary, and to pay the costs of issuing the Series 2021 Notes.

It is anticipated that all series of Series 2021 Notes will have a maturity of approximately forty (40) years or less. It is expected that the Series 2021 Notes will bear interest at fixed rates, consistent with the market at the time of issuance, or at variable rates.

The City will hire no additional staff for the administration of the Program. Insofar as the City will be contracting with underwriters, legal counsel, bond counsel, trustees, purchasers, and others, all of whom will be reimbursed from bond proceeds and revenues generated by the Program, no administrative costs will be paid from the City's budget with respect to this Program. The Series 2021 Notes will not be general obligations of the City but will be issued as conduit revenue obligations of the City to be paid only from loan repayments by the Borrower and revenues generated by the property pledged to the payment thereof, which may include additional security such as additional collateral, insurance or a letter of credit.

Section C. <u>Standards and Requirements Relating to the Financing of the Project Pursuant to the Program</u>. The following standards and requirements shall apply with respect to the operation of the Project by the Borrower pursuant to this Program:

- (1) Substantially all of the proceeds of the sale of the Series 2021 Notes will be applied to the remaining costs of the Project, the payment of the costs of issuing the Series 2021 Notes, the financing of interest on the Series 2021 Notes during the construction of the Project, if necessary, and the funding of any required reserves. The proceeds of the Series 2021 Notes will be made available to the Borrower pursuant to the terms of one or more loan agreements (or other revenue agreements) which will include certain covenants to be made by the Borrower to the City regarding the use of proceeds and the character and use of the Project.
- (2) The Project qualifies as a "multifamily housing development" within the meaning of the Housing Act, since it is comprised of an apartment facility, of which the Housing Units are to be rented to seniors for use as residences.

- (3) The Borrower, and any subsequent owner of the Project, will not arbitrarily reject an application from a proposed tenant because of race, color, creed, religion, national origin, sex, marital status, or status with regard to public assistance or disability.
- (4) Pursuant to the Regulatory Agreement, dated September 14, 2018, which will be amended in connection with the issuance of the Series 2021 Notes (as amended, the "Regulatory Agreement"), between the City, the Borrower, the initial purchasers of the revenue obligations of the City, and the bond trustee, at least forty percent (40%) of the Housing Units will be held for occupancy by seniors with adjusted gross income not in excess of sixty percent (60%) of median family income, adjusted for family size. This set aside will satisfy the low-income occupancy requirements of Section 462C.05, subdivision 2 of the Housing Act.
- (5) The Economic Development Authority in and for the City of Minnetonka entered into a Declaration of Restrictive Covenants with the Borrower, which requires one hundred percent (100%) of the Housing Units to be held for occupancy by seniors with adjusted gross income not in excess of sixty percent (60%) of median family income, adjusted for family size.
- Section D. Evidence of Compliance. The City may require from the Borrower at or before the issuance of the Series 2021 Notes evidence satisfactory to the City of compliance with the standards and requirements for the financing established by the City, as set forth herein. In connection therewith, the City or its representatives may inspect the relevant books and records of the Borrower in order to confirm such ability, intention and compliance. In addition, the City may periodically require certification from either the Borrower or such other person deemed necessary concerning compliance with various aspects of this Program.
- Section E. <u>Issuance of Series 2021 Notes</u>. To finance the remaining costs of the Project, the City will by resolution authorize, issue and sell the Series 2021 Notes in the approximate aggregate principal amount not to exceed \$500,000. The Series 2021 Notes will be issued pursuant to Section 462C.07, subdivision 1 of the Housing Act, and will be payable primarily from the revenues of the Project. If the remaining costs of the Project, including capitalized interest, if necessary, costs of issuance of the Series 2021 Notes, and any required reserve funds, exceed the principal amount of the Series 2021 Notes, the Borrower will contribute to or obtain additional financing for the Project to finance the difference between the total costs of the Project and the principal amount of the Series 2021 Notes available to finance the Project. The costs of the Project may change between the date of preparation of this Program and the date of issuance of the Series 2021 Notes. The Series 2021 Notes are expected to be issued in February 2021.
- Section F. <u>Severability</u>. The provisions of this Program are severable and if any of its provisions, sentences, clauses or paragraphs shall be held unconstitutional, contrary to statute, exceeding the authority of the City or otherwise illegal or inoperative by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.
- Section G. <u>Amendment</u>. The City shall not amend this Program, while the Series 2021 Notes authorized hereby are outstanding, to the detriment of the holders of such Series 2021 Notes.

#### Section H. State Ceiling.

(1) An application for an allocation of a portion of the annual volume cap for private activity bonds to be issued to provide "qualified residential rental projects," within the meaning of Sections 142(a)(7) and 142(d) of the Code, has been made to the office of Minnesota Management and Budget, pursuant to Section 146 of the Code and Minnesota Statutes, Chapter 474A, as amended (the "Allocation Act").

- (2) Pursuant to the terms and requirements of the Allocation Act: (i) the Project will meet the requirements of Section 142(d) of the Code regarding the incomes of the occupants of the Project; and (ii) the maximum rent for at least twenty percent (20%) of the Housing Units will not exceed the area fair market rent or exception fair market rents for existing housing, if applicable, as established by the United States Department of Housing and Urban Development.
- (3) The Regulatory Agreement shall specify the maximum rental rates of the Housing Units and the income levels of the residents of the Project occupying the income-restricted units. Such rental rates and income levels must be within the limitations established in accordance with the preceding paragraph (2). The Borrower will be required to annually certify to the City over the term of the agreement that the rental rates for the rent-restricted units are within the limitations under the preceding paragraph (2). The City may request individual certification of the income of residents of the income-restricted units of the Project. The office of Minnesota Management and Budget may require the City to request individual certification of all residents of the income-restricted units of the Project.
- (4) The City will monitor Project compliance with the rental rate and income level requirements established under the preceding paragraph (2). The City may issue an order of noncompliance if the Project is found by the City to be out of compliance with the rental-rate or income-level requirements established under the preceding paragraph (2). The Borrower shall pay a penalty to the City equal to one-half of one percent (0.5%) of the total amount of the Series 2021 Notes issued under the Housing Act for the Project if the City issues an order of noncompliance. For each additional year the Project is out of compliance, the annual penalty must be increased by one-half of one percent (0.5%) of the principal amount of the Series 2021 Notes issued under the Housing Act for the Project. The City may waive insubstantial violations.
- (5) The Regulatory Agreement shall have a term of at least fifteen (15) years in order to ensure that the Project satisfies the requirements of this Program, Section 142(d) of the Code, the Housing Act, and the Allocation Act.

MN140-198 (JAE) 700635v1

#### Resolution No. 2021-

# Resolution providing preliminary approval for the issuance of a revenue note for the benefit of Minnetonka Leased Housing Associates III, LLLP and taking other actions related thereto

Be it resolved by the City Council (the "Council") of the City of Minnetonka, Minnesota (the "City") as follows:

#### Section 1. Recitals.

- 1.01. The City is a home rule city duly organized and existing under its Charter and the Constitution and laws of the State of Minnesota.
- 1.02. Pursuant to Minnesota Statutes, Chapter 462C, as amended (the "Housing Act"), the City is authorized to issue revenue obligations to provide funds to finance multifamily rental housing developments located within the City.
- 1.03. On September 14, 2018, the City issued the following revenue obligations: (i) Multifamily Note with designation as Multifamily Housing Revenue Note (Legends of Minnetonka Project), Series 2018A-1 (the "Series A-1 Governmental Note"), in the original aggregate principal amount of \$16,205,000; (ii) Multifamily Note with designation as Multifamily Housing Revenue Note (Legends of Minnetonka Project), Series 2018A-2 (the "Series A-2 Governmental Note," and together with the Series A-1 Governmental Note, the "Tax-Exempt Governmental Notes"), in the original aggregate principal amount of \$16,205,000; (iii) Taxable Multifamily Note with designation as Taxable Multifamily Housing Revenue Note (Legends of Minnetonka Project), Series 2018B-1 (the "Series B-1 Governmental Note"), in the original aggregate principal amount of \$13,189,904; and (iv) Taxable Multifamily Note with designation as Taxable Multifamily Housing Revenue Note (Legends of Minnetonka Project), Series 2018B-2 (the "Series B-2 Governmental Note," and together with the Series B-1 Governmental Note, the "Taxable Governmental Notes"), in the original aggregate principal amount of \$13,189,904.
- 1.04. The City made mortgage loans (the "Project Loan") to Minnetonka Leased Housing Associates III, LLLP, a Minnesota limited liability limited partnership (the "Borrower"), pursuant to the terms of a Project Loan Agreement, dated as of September 1, 2018, between the City, U.S. Bank National Association, a national banking association, as fiscal agent (the "Fiscal Agent"), and the Borrower, with the proceeds received from separate loans made to the City (the "Funding Loan") pursuant to a Funding Loan Agreement, dated as of September 1, 2018, between U.S. Bank National Association, a national banking association, as administrative agent for U.S. Bank National Association, a national banking association ("U.S. Bank"), and BMO Harris Bank N.A., a national banking association ("BMO Harris Bank"), the City, and the Fiscal Agent. The Funding Loan is evidenced by the Tax-Exempt Governmental Notes and the Taxable Governmental Notes (together, the "Series 2018 Governmental Notes"). The Borrower's repayment obligations with respect to the Project Loan are evidenced

by the Borrower's Multifamily Note (Series A), dated September 14, 2018, and Multifamily Note (Series B), dated September 14, 2018, delivered to the City and endorsed to the Fiscal Agent.

- 1.05. The City loaned the proceeds of the Project Loan to the Borrower to finance a portion of the costs of the acquisition, construction, and equipping of a 262-unit senior housing rental development located at 11001 Bren Road East in the City known as Bren Road Station, formerly known as Legends of Minnetonka (the "Project").
- 1.06. The Borrower has notified the City that the Borrower requires additional tax-exempt funds to finish constructing the Project and has proposed that the City issue one or more series of tax-exempt revenue notes (the "Series 2021 Notes") in the aggregate principal amount estimated not to exceed \$500,000 and loan the proceeds thereof to the Borrower. It is expected that U.S. Bank and/or BMO Harris Bank will purchase the Series 2021 Notes and amend the initial financing documents executed in connection with the issuance of the Series 2018 Governmental Notes.
- 1.07. As a condition to the issuance of the Series 2021 Notes, the City must adopt a housing program providing the information required by Section 462C.03, subdivision 1a of the Housing Act (the "Housing Program"). The Council must also grant preliminary approval to the issuance of the Series 2021 Notes to finance the remaining costs of the Project referred to in the Housing Program.
- 1.08. Under Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), prior to the issuance of the Series 2021 Notes, the Council must conduct a public hearing after one publication of notice in a newspaper circulating generally in the City at least fourteen (14) days before the hearing. Under Section 462C.04, subdivision 2 of the Housing Act, a public hearing must be held on the Housing Program after one publication of notice in a newspaper circulating generally in the City at least fifteen (15) days before the hearing.
- 1.09. Pursuant to Section 146 of the Code, the Series 2021 Notes must receive an allocation of the bonding authority of the State of Minnesota. An application for such an allocation must be made pursuant to the requirements of Minnesota Statutes, Chapter 474A, as amended (the "Allocation Act"). The City Council must grant preliminary approval to the issuance of the Series 2021 Notes to finance the remaining costs of the Project and authorize the submission of an application to the office of Minnesota Management and Budget for an allocation of bonding authority with respect to the Series 2021 Notes to finance the remaining costs of the Project.

#### Section 2. Preliminary Findings.

2.01. Based on representations made by the Borrower to the City to date, the Council hereby makes the following preliminary findings, determinations, and declarations:

(a) The Project consists of a multifamily rental housing development designed and intended to be used for rental occupancy by seniors.

- (b) The proceeds of the Series 2021 Notes will be loaned to the Borrower and the proceeds thereof, along with other available funds, will be used to finance all or a portion of the remaining costs of the Project, any required reserve funds, capitalized interest during the construction of the Project, and costs of issuance of the Series 2021 Notes. The City will enter into a loan agreement (or other revenue agreement) with the Borrower requiring loan repayments from the Borrower in amounts sufficient to repay the loan of the proceeds of the Series 2021 Notes when due and requiring the Borrower to pay all costs of maintaining and insuring the Project, including taxes thereon.
- (c) In preliminarily authorizing the issuance of the Series 2021 Notes and the financing of the remainder of the costs of the Project and related costs, the City's purpose is to further the policies of the Housing Act.
- (d) The Series 2021 Notes will be a special, limited obligation of the City payable solely from the revenues pledged to the payment thereof, and will not be a general or moral obligation of the City and will not be secured by or payable from revenues derived from any exercise of the taxing powers of the City.

#### Section 3. Public Hearing.

3.01. The Council shall meet on February 22, 2021, to conduct a public hearing on the Housing Program, the Project, and the issuance of the Series 2021 Notes by the City. The publication of the notice of such hearing in the *Sun Sailor*, the official newspaper of and a newspaper of general circulation in the City, is hereby ratified. At the public hearing, reasonable opportunity will be provided for interested individuals to express their views, both orally and in writing, on the Project, the Housing Program, and the proposed issuance of the Series 2021 Notes.

#### Section 4. Housing Program.

4.01. Kennedy & Graven, Chartered, as bond counsel to the City ("Bond Counsel"), shall prepare and submit to the City a draft Housing Program to authorize the issuance by the City of the Series 2021 Notes in the estimated aggregate principal amount not to exceed \$500,000 to finance all or portion of the remaining costs of the Project by the Borrower. Bond Counsel is authorized and directed to submit, on behalf of the City, the Housing Program to Metropolitan Council for review and comment pursuant to Section 462C.04, subdivision 2 of the Housing Act.

#### Section 5. Application for Allocation.

5.01. The Council hereby authorizes the submission of an application for allocation of bonding authority pursuant to Section 146 of the Code and the Allocation Act in accordance with the requirements of the Allocation Act. City staff and Bond Counsel shall take all actions, in cooperation with the Borrower, as are necessary

to submit an application for an allocation of bonding authority to the office of Minnesota Management and Budget.

## Section 6. Preliminary Approval.

6.01. The Council hereby provides preliminary approval to the issuance of the Series 2021 Notes in the estimated aggregate principal amount not to exceed \$500,000, subject to: (i) a public hearing as required by the Housing Act and Section 147(f) of the Code; (ii) final approval following the preparation of bond documents; (iii) receipt of an allocation of bonding authority from the office of Minnesota Management and Budget; and (iv) final determination by the City Council that the financing of the remaining costs of the Project and the issuance of the Series 2021 Notes are in the best interests of the City.

#### Section 7. Reimbursement of Costs under the Code.

- 7.01. The United States Department of the Treasury has promulgated regulations governing the use of the proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City or the Borrower for project expenditures paid prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the City adopt a statement of official intent to reimburse an original expenditure not later than sixty (60) days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds occur within eighteen (18) months after the later of: (i) the date the expenditure is paid; or (ii) the date the project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the Series 2021 Notes.
- 7.02. To the extent any portion of the proceeds of the Series 2021 Notes will be applied to expenditures with respect to the remaining costs of the Project, the City reasonably expects to reimburse the Borrower for the expenditures made for the remaining costs of the Project from the proceeds of the Series 2021 Notes after the date of payment of all or a portion of such expenditures. All reimbursed expenditures shall be capital expenditures, costs of issuance of the Series 2021 Notes, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations and also qualifying expenditures under the Housing Act.

Based on representations by the Borrower, other than (i) expenditures to be paid or reimbursed from sources other than the Series 2021 Notes, (ii) expenditures permitted to be reimbursed under prior regulations pursuant to the transitional provision contained in Section 1.150-2(j)(2)(i)(B) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a "de minimis" amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures with respect to the Project to be reimbursed with the proceeds of the Series 2021 Notes have been made by the Borrower more than sixty (60) days before the date of adoption of this resolution of the City.

7.03. Based on representations by the Borrower, as of the date hereof, there are no funds of the Borrower reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the remaining costs of the Project to be financed from proceeds of the Series 2021 Notes, other than pursuant to the issuance of the Series 2021 Notes. This resolution, therefore, is determined to be consistent with the budgetary and financial circumstances of the Borrower as they exist or are reasonably foreseeable on the date hereof.

#### Section 8. Costs.

8.01. The Borrower will pay the administrative fees of the City and pay, or, upon demand, reimburse the City for payment of, any and all costs incurred by the City in connection with the Project and the issuance of the Series 2021 Notes, whether or not the Series 2021 Notes are issued.

#### Section 9. Commitment Conditional.

- 9.01. The adoption of this resolution does not constitute a guarantee or a firm commitment that the City will issue the Series 2021 Notes as requested by the Borrower. If, as a result of information made available to or obtained by the City during its review of the Project, it appears that the Project or the issuance of Series 2021 Notes to finance the remaining costs thereof is not in the public interest or is inconsistent with the purposes of the Housing Act, the City reserves the right to decline to give final approval to the issuance of the Series 2021 Notes. The City also retains the right, in its sole discretion, to withdraw from participation and accordingly not issue the Series 2021 Notes should the Council, at any time prior to the issuance thereof, determine that it is in the best interests of the City not to issue the Series 2021 Notes or should the parties to the transaction be unable to reach agreement as to the terms and conditions of any of the documents for the transaction.
- 9.02. The adoption of this resolution does not constitute planning approval for the remaining costs of the Project. The Borrower must submit all planning application to the City through the typical planning process and obtain all required planning approvals from the City to commence construction of the Project.

#### Section 10. Effective Date.

10.01. This resolution shall be in full force and effect from and after its passage.

Resolution No. 2021	Page 6
Adopted by the City Council of the City of Minnetonka, Minnesota, on Feb. 8, 2021.	
Brad Wiersum, Mayor	
ATTEST:	
Becky Koosman, City Clerk	
ACTION ON THIS RESOLUTION:	
Motion for adoption: Seconded by: Voted in favor of: Voted against: Abstained: Absent: Resolution adopted.	
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Council of the City of Minnetonka, Minnesota, at a meeting held on Feb. 8, 2021.	ne City
Becky Koosman, City Clerk	
MN140-198 (JAE) 700113v2	

# City Council Agenda Item #10C Meeting of Feb. 8, 2021

**Brief Description** Fiscal Agency Agreement related to EDA

**Recommendation** Approve the Fiscal Agency Agreement

#### Background

Staff has prepared updated Economic Development Authority Bylaws that will be considered at the Feb. 8, 2021, Economic Development Authority meeting. The EDA is governed by a set of bylaws that are the rules and procedures that define the organizational structure of the board. Bylaws include guidance on matters such as board size and membership, board officers, duties and powers, board authority, meeting procedures, financial matters, and miscellaneous procedural items. The bylaws for the Minnetonka EDA were first established in 1988 when the HRA was dissolved, and the EDA was formed. The bylaws were last updated in 2010.

Staff is requesting that the city council approve the Fiscal Agency Agreement, which allows the city to operate as the fiscal agent on financial matters related to the EDA. The city currently acts as the fiscal agent for the EDA, and the agreement clarifies the city's authority to conduct these activities on behalf of the EDA.

#### **Staff Recommendation**

Approve the Fiscal Agency Agreement

Submitted through:

Geralyn Barone, City Manager Julie Wischnack, AICP, Community Development Director Darin Nelson, Finance Director

Originated by:

Alisha Gray, EDFP, Economic Development and Housing Manager

#### **Attachments:**

Fiscal Agency Agreement

#### FISCAL AGENCY AGREEMENT

This agreement is made this	day of	between CITY C	F MINNETONKA
a Minnesota municipal corporation ("City")	and ECONO	MIC DEVELOPMENT	AUTHORITY IN
AND FOR THE CITY OF MINNETONKA, a	public body	corporate and politic ('	'EDA").

### **Purpose of Agreement**

The EDA has proposed that the City operate as the fiscal agent of the EDA, with respect to the financial matters on for EDA operations and activities ("EDA Activities").

The City has determined that providing financial management of the EDA Activities is in the public interest.

- 1. The City hereby agrees to assume financial responsibility over the funds of the EDA. The EDA agrees to implement and operate EDA Activities in accordance with the terms of this agreement and applicable law.
- 2. The EDA Activities shall be operated in a manner consistent with the City's legal requirements and as described in this agreement.
- On behalf of the EDA, the City will establish and operate for the use of the EDA's
   Activities, a designated account(s) ("EDA Account") segregated on the City's books. All
   amounts deposited into the EDA Account will be used in its support and subject to the
   conditions set forth below.
- 4. The City will disburse funds from the EDA Account as necessary to comply with the EDA's legal obligations. Disbursements will be restricted to the support and implementation of EDA Activities only.
- 5. The EDA designates its Assistant Treasurer to act as authorizing official. The authorizing official shall act as principal coordinator of the EDA's daily business with the City, and shall have authority to sign disbursement requests.
- 6. The City and EDA will maintain all financial records relating to the EDA's Activities according to generally accepted accounting principles and applicable legal requirements, and will make records available to auditors and entities as required by law.
- 7. The City and the EDA will reflect the EDA Activities to the extent required on their respective financial reports. All disbursements from an EDA Account shall be treated as payments made to or on behalf of the EDA to accomplish the purposes of the EDA Activities.
- 8. The Agreement is ongoing but may be terminated at any time by a majority vote of the governing body of either party.

In witness whereof, the parties hereto have executed this Agreement on the day and year first written above.

[signature page follows]

Accepted for the City:	Accepted for the EDA		
Brad Wiersum, Mayor	Brad Wiersum, President		
Geralyn Barone, City Manager	Geralyn Barone, Executive Director		

# City Council Agenda Item #11A Meeting of Feb. 8, 2021

**Brief Description** Resolution approving a conditional use permit, with parking

variance, to expand Mercy Hill Church, a religious institution at

15408 and 15414 Minnetonka Industrial Road

**Recommendation** Adopt the resolution approving the request

#### **Proposal**

The subject property is improved with two multi-tenant buildings and a surface parking lot. In 2017, the city council approved a conditional use permit to allow Mercy Hill Church, a religious institution, in the southern building.

Responding to congregation growth, Mercy Hill Church has submitted a proposal to expand its religious use within the building in four phases. The proposal requires a conditional use permit and a parking variance.

#### **Planning Commission Hearing**

The planning commission considered the request on Jan. 21, 2021. The commission report, associated plans, and meeting minutes are attached.

Staff recommended approval, finding:

- The proposal would meet all required site and building plan review standards, therefore, meeting the only conditional use permit standard for such facilities.
- The property would not have enough parking spaces available on-site to accommodate the proposal based on a literal interpretation of the city's parking ordinance. However, based on data collected from the Institute of Transportation Engineers (ITE), the uses on-site – and within the religious use – are complementary and would experience peak parking demands at various times. Additionally, there are opportunities within the industrial park for shared parking agreements.

At the commission meeting, a public hearing was opened to take comment, but no one appeared to speak, and the commission had no questions.

#### **Planning Commission Recommendation**

On a 6-0 vote, the commission recommended that the city council approve the proposal. The meeting minutes are attached.

## **Since Planning Commission Hearing**

There have been no changes to the proposal or additional information received since the planning commission's meeting on this item.

## **Staff Recommendation**

Staff recommends city council adopt the attached resolution repealing and replacing Resolution No. 2017-118 for a religious institution at 15408 and 15414 Minnetonka Industrial Road.

Through: Geralyn Barone, City Manager

Julie Wischnack, AICP, Community Development Director

Loren Gordon, AICP, City Planner

Originator: Ashley Cauley, Senior Planner

# MINNETONKA PLANNING COMMISSION Jan. 21, 2021

**Brief Description** Conditional use permit, with a parking variance, to expand Mercy Hill

Church, a religious institution at 15408 and 15414 Minnetonka

Industrial Road

**Recommendation** Recommend the city council approve the request

#### **Background**

The subject property is improved with two, multi-tenant buildings and a surface parking lot. In 2017, the city council approved a conditional use permit to allow Mercy Hill Church, a religious institution, in the southern building. At the time an auto repair shop occupied the remainder of the building; the auto shop repair shop has since vacated the property. In 2019, the city council approved a conditional use permit to allow a fitness facility within the space previously occupied by the auto repair shop.

#### **Proposal**

Responding to congregation growth, Mercy Hill Church has submitted a proposal to expand their religious use within the building. The expansion would occur in four phases.

Phase One: Includes Mercy Hill Church securing the adjacent tenant space. The existing two-and-three year old classroom would be removed to allow access into the new space.



Figure 1: Existing Floor Plan

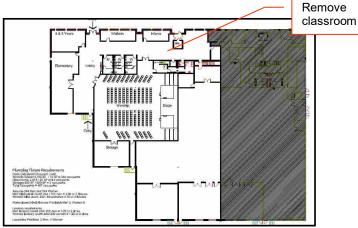


Figure 2: Phase One

Subject: Mercy Hill Church, 15408 and 15414 Minnetonka Industrial Road

Phase Two: Reallocates classroom space in the northwest corner of the space. Informal classroom space and formal storage space would be allocated within the new tenant space.



Figure 3: Phase Two

Phase Three includes the following:

- Removal of two classroom spaces to expand the northern lobby area.
- Addition of a waiting area for the southern entry.
- Formalization of classroom and storage space.



Figure 4: Phase Three

Phase Four includes the expansion of the sanctuary to accommodate up to 475 people.

The proposal requires a conditional use permit and a parking variance.

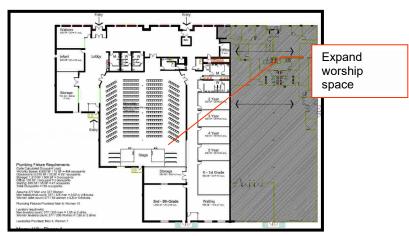


Figure 4: Phase Four

#### **Staff Analysis**

A land use proposal is comprised of many details and then aggregates them into a few primary questions or issues. The following outlines both the primary questions associated with the religious institution and staff's findings.

## Is the proposed expansion reasonable?

Yes. The property is zoned I-1, Industrial. While this particular zoning district does not contain any provisions for schools, religious institutions, or gathering spaces, the ordinance does allow – as conditionally permitted uses – public buildings and "other uses similar to those permitted" within the district. The city has on several occasions and in several zoning districts, reviewed daycares, schools, religious institutions, and gathering spaces under the "other uses similar to" provision. The city has found that these types of uses operate similar to public buildings in which large groups gather at specific times for a specific purpose.

The only conditional use permit standard required by ordinance for public buildings is site and building plan approval. The proposed expansion would meet all the required standards for site and building plan approval. The standards and findings are outlined in the "Supporting Information" section of this report.

# • Can the parking be accommodated on site?

Yes. For multi-tenant or multi-use buildings, the city's parking ordinance calculates minimum parking requirements based on the individual uses within the building. By ordinance, the applicant's proposal to expand the use would require a minimum of 298 stalls. Currently, there are a total of 242 stalls on site.

Use	Parking Requirement	Minimum number of stalls required by ordinance	ITE Data*	Anticipated Peak parking demand *
	Southern Building			
Religious institution: sanctuary	1 stall per 2.5 seats	<del>64 stalls</del> 158 stalls	147 stalls	9 a.m. – noon (Sunday)
Religious institution: warehouse	1 stall per 1,000 sf	<del>1 stall</del> 2 stalls	1 stalls	11 am – 4 pm (M-F)
Religious institution: classroom	1 stall per 10 children	<del>6 stalls</del> 25 stalls	12 stalls	9 a.m. – noon (Sunday)
Religious institution: office	1 stall per 250 sf	1 stall	0 otalla	10 a.m. – 5
Fitness facility: office	1 stall per 250 sf	14 stalls	9 stalls	p.m. (M-F)
Fitness facility: gym space	1 stall per 225 sf	39 stalls	62 stalls	5 pm – 7 pm (M-F)

Subject: Mercy Hill Church, 15408 and 15414 Minnetonka Industrial Road

Fitness facility: future facility	1 stall per 225 sf	6 stalls		
	Northern Building			
Warehouse	1 stall per 1,000 sf	53 stalls	21 stalls	11 a.m. – 4 p.m. (M-F)
Total spaces required		298 stalls	252 stalls	
Total spaces available on site		242 stalls	242 stalls	

<sup>\*</sup> Institute of Transportation Engineers (ITE), Parking Generation Manual, 5th Edition

The property would be "under-parked" by literal interpretation of the code. However, staff finds the parking acceptable as:

- Based on data collected from the Institute of Transportation Engineers (ITE), the
  uses on site are complementary and would experience peak parking demands at
  varied times.
- The city has issued parking variances for other religious institutions which include classroom and worship.
- It is not anticipated that the varied uses within the religious institution or the fitness facility would generate additional parking generation. For example, a significant amount of the parking demand would be shared between the classroom (Sunday School) and worship space on Sundays when the fitness facility would not be experiencing peak parking demand.
- There are opportunities within the industrial park for shared parking agreements.

#### **Staff Recommendation**

Recommend that the city council adopt the attached resolution repealing and replacing Resolution No. 2017-118 for a religious institution at 15408 and 15414 Minnetonka Industrial Road.

Originator: Ashley Cauley, Senior Planner
Through: Loren Gordon, AICP, City Planner

## **Supporting Information**

**Project No.** 17021.20a

**Property** 15408 and 15414 Minnetonka Industrial Rd

**Applicant** Mercy Hill Church

**Surrounding** Northerly: Hennepin County Regional Trail and a multi-tenant

Industrial building, zoned I-1 and guided industrial beyond.

Land Uses Easterly: Industrial park, zoned I-1 and guided industrial

Southerly: Residential and Victoria-Evergreen park

Westerly: Residentail homes, zoned R-1, guided for low density

residenital

**Planning** Guide Plan designation: Industrial

Zoning: I-1, Industrial

**CUP Standards** The proposal would meet the general conditional use permit

standards as outlined in City Code §300.21, Subd. 2:

1. The use is consistent with the intent of this ordinance;

- 2. The use is consistent with the goals, policies and objectives of the comprehensive plan;
- The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and
- 4. The use does not have an undue adverse impact on the public health, safety or welfare.

City Code §300.21 Subd. 3(m) outlines the following specific standards that must be met for granting a conditional use permit are the site and building plan standards pursuant to City Code §300.27, Subd. 5:

1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;

**Finding:** The proposal has been reviewed by the city's building, engineering, planning, natural resources, and fire staff to ensure consistency with the city's development guides.

2. Consistency with this ordinance;

**Finding:** But for the parking variance, the proposal would be consistent with the ordinance. Further, the parking variance is

reasonable as the proposed uses are complementary and would experience varied peak parking demand times.

 Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;

**Finding:** No external modifications to the property are proposed as part of the expansion.

4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;

**Finding:** All proposed changes are internal to the building. As such, the proposed expansion would not change the site's visual appearance.

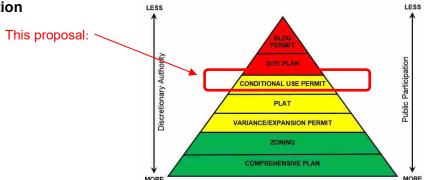
- 5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:
  - a) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;
  - b) the amount and location of open space and landscaping;
  - materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses;
  - d) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

**Finding:** The applicant is not proposing any site or exterior building improvements at this time. As such, there would be negative impacts to existing open space on the property.

 Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and 7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

**Finding:** The expansion of the religious institution would be complementary to the existing use and the immediate area. The proposal would not have any negative impact on adjacent or neighboring properties.

## **Pyramid of Discretion**



## **Voting Requirement**

The planning commission will make a recommendation to the city council. A recommendation for approval requires an affirmative vote of a simple majority.

#### **Motion Options**

The planning commission has three options:

- 1. Concur with staff recommendation. In this case, a motion should be made recommending the city council adopt the resolution approving the request.
- 2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the request. This motion must include a statement as to why denial is recommended.
- Table the requests. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

# Neighborhood Comments

The city sent notices to 81 area property owners and received no comments.

# Deadline for Decision

March 13, 2021

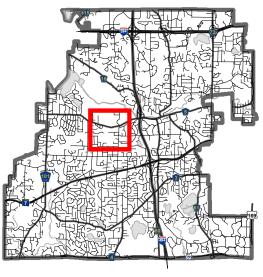




# **Location Map**

Project: Mercy Hill Church Address: 15408 Mtka Industrial

Rd





To Whom It May Concern,

This written statement will describe the intended use of the property commonly referred to as Minco 400, 15408 Minnetonka Industrial Road by Mercy Hill Church if a Conditional Use Permit is granted by the City of Minnetonka.

Currently Mercy Hill meets at 15414 Minnetonka Industrial Road, which is the adjoining space to 15408. We received a conditional use permit in 2017. Here is a generalized breakdown of how the space has been used: 4,960 sf auditorium for worship, 2,474 sf for classrooms and offices, and 1,000 sf for storage. At the time of initial occupancy our community was approximately 165 people (124 adults in the auditorium and 41 kids ages birth-5th grade).

Since that time our community has grown. Some of that was expected and some of it was do to extraordinary circumstances. In the future we anticipate growing at approximately 10-15% per year. Our average attendance in October 2019-February 2020 was 306 (214 adults in the auditorium and 92 kids ages birth-5th grade). We still have only 1 service on Sundays at 10:00am and it is a long term strategic goal to maintain a single service format for our church. We feel like a one service approach lends itself to our particular mission, vision, and values around relationship, community, and connectivity.

Prior to the pandemic our auditorium had a seating capacity of 368 which was adequate for our existing size and future medium term growth. However, our kids attendance has increased 124% and it has put a strain on our existing spaces for kids. The additional space in 15408 will allow us to expand our spaces for kids and then shift some of the existing kids space in 15414 to lobby, approximately 1,000 sf to storage and approximately 1,000 sf will remain as kids space.

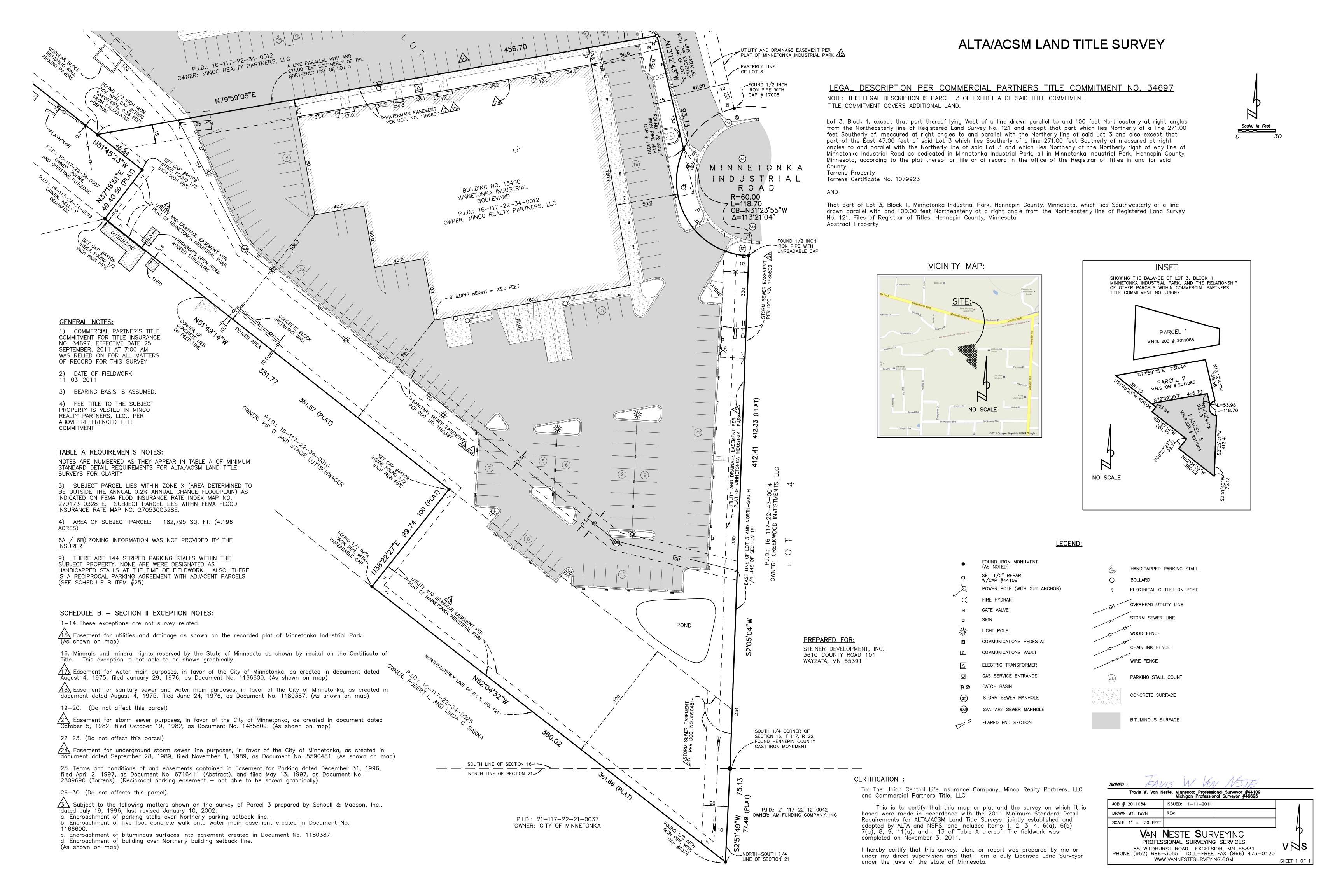
We will also set aside 1,000 sf in 15408 and 1,000 sf in 15414 that is currently used as storage for the possibility of a long term expansion to the auditorium, bringing the capacity from 368 seats to approximately 475 seats.

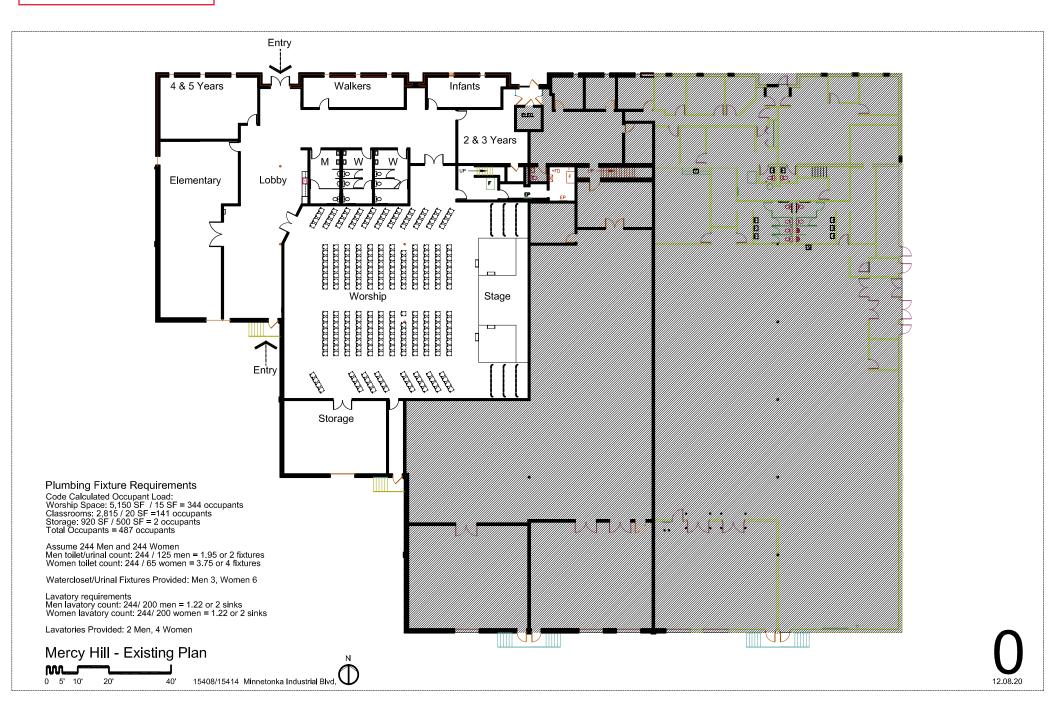
Our primary use of 15408 will still be on Sunday mornings. The majority of the usage will occur between 8:30-12:30p. Church's typically use a calculation of 1 parking space for every 2.5 people. This would necessitate a total of 123 parking spaces near the building using a calculation of 1 space for every 2.5 people. There are 242 parking spaces on site.

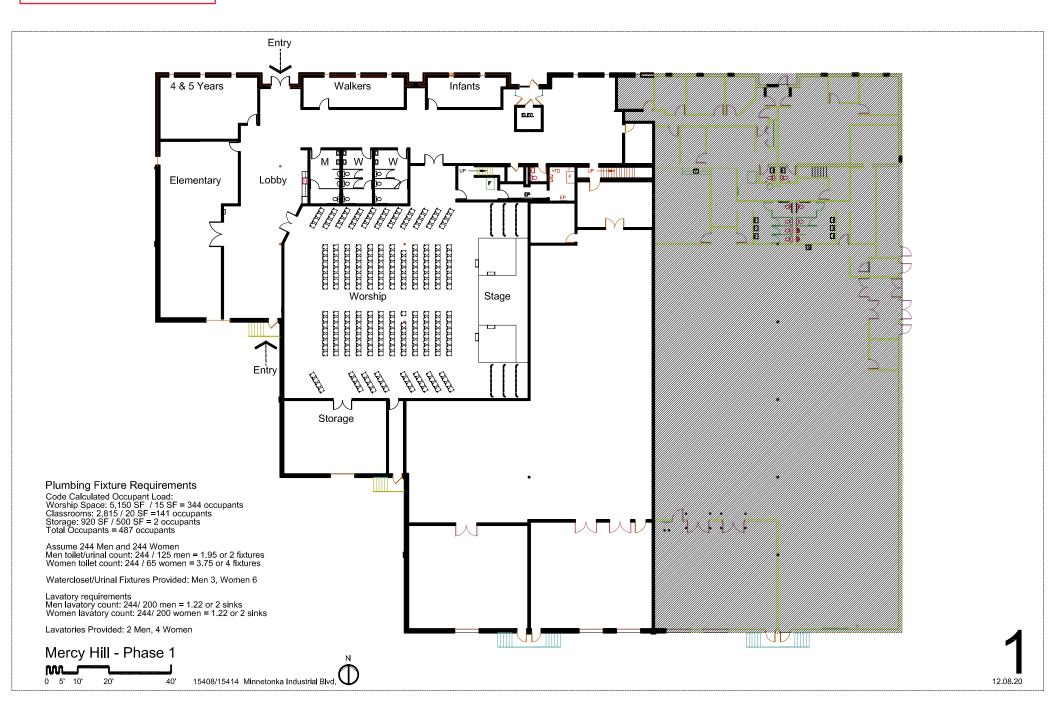
We will also use the space for regular small groups and occasional special events in the evenings. It is possible that we will use the space with larger groups of kids and students during summer work days but will take up minimal parking spaces for that usage. Additionally, we intend to have staff work and occasional meetings with attenders but that would be fewer than 10 cars.

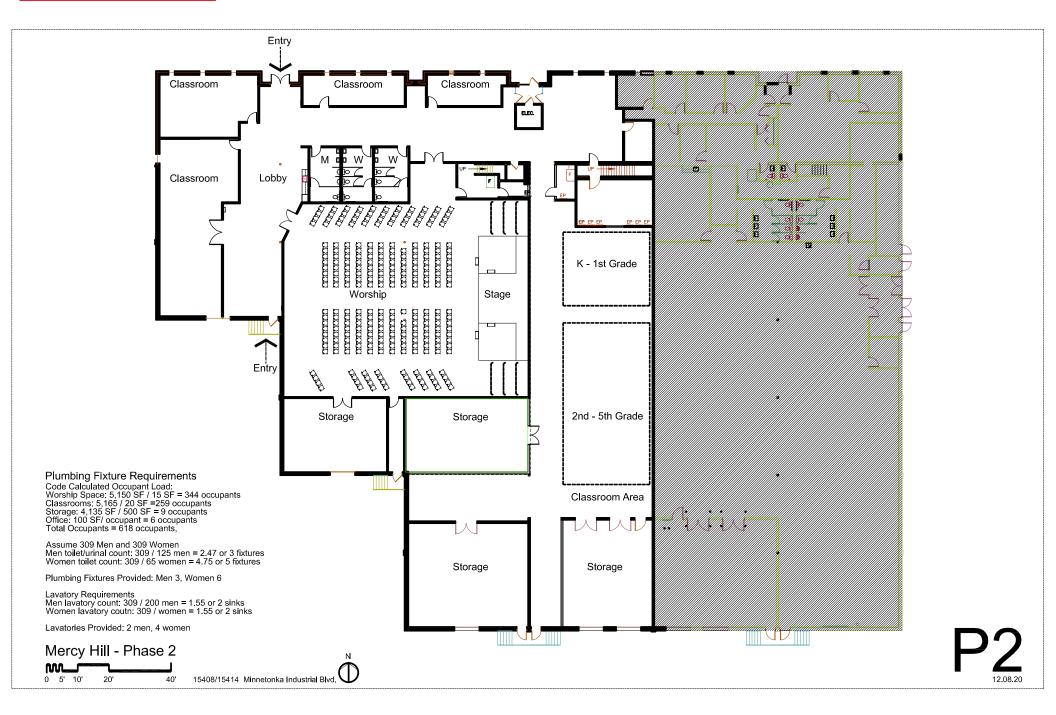
Thank you for your consideration,

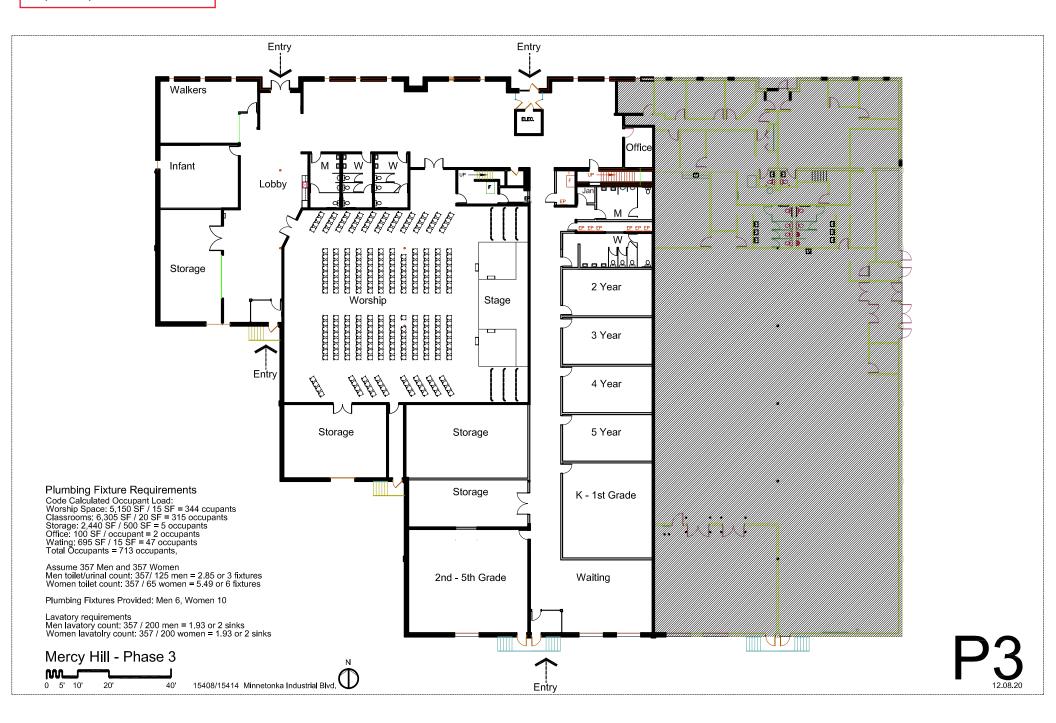
Drew Johnson Pastor Mercy Hill Church

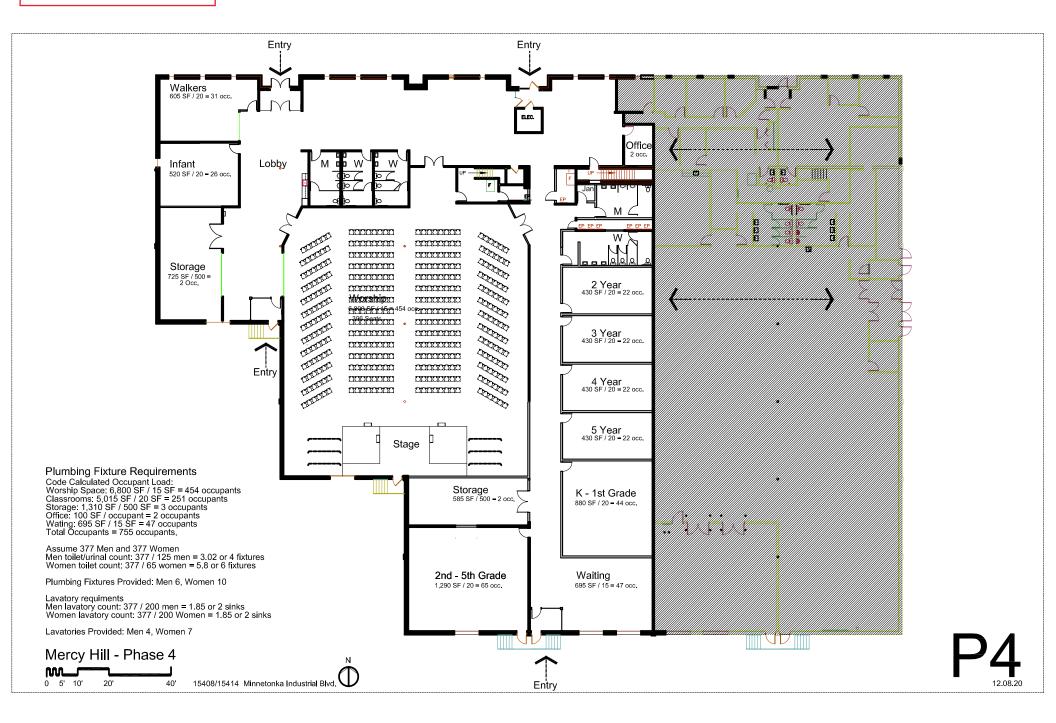












### Resolution No. 2017-118

## Resolution approving a conditional use permit for a religious institution at 15414 Minnetonka Industrial Road

\_\_\_\_\_\_

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

### Section 1. Background.

- 1.01 Mercy Hill Church has requested a conditional use permit for a religious institution within the existing building at 15414 Minnetonka Industrial Road. The church would occupy space within the southerly of two buildings located on the subject property.
- 1.02 The subject property is legally described as:

That part of Lot 3, Block 1, which lies Northerly of a line 271.00 feet Southerly of measured at right angles to and parallel with the Northerly line of said Lot 3 and also that part of the East 47.00 feet of said Lot 3 which lies Southerly of a line 271.00 feet Southerly of measured at right angles to and parallel with the Northerly line of said Lot 3 and which lies Northerly right-of-way line of Minnetonka Industrial Road as dedicated in Minnetonka Industrial Park, Hennepin County, Minnesota, according to the plat thereof on file or of record in the office of the Registrar of Title in and for said County. Torrens Property

Torrens Certificate No. 1079923

- 1.03 City Code §300.20, Subd. 4 allows public buildings as conditional use within the I-1 zoning district.
- 1.04 City Code §300.20, Subd. 4(I) allows "other uses similar to those permitted within this section, as determine by the city" as conditional uses within the I-1 zoning district.

- 1.05 The proposed religious institution would be similar to a public building, as it is a place where a group of people gather at a specified time for a specific purpose.
- 1.06 On September 20, 2017, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

#### Section 2. Standards.

- 2.01 City Code §300.21 Subd. 2 outlines the general standards that must be met for granting a conditional use permit. These standards are incorporated into this resolution by reference.
- 2.02 City Code §300.21 Subd. 3(m) outlines the following specific standards that must be met for granting a conditional use permit for such facilities:
  - 1. Site and building plan pursuant to section 300.27 of this ordinance.
- 2.03 City Code §300.27, Subd. 5, outlines that the following must be considered in the evaluation of site and building plans:
  - Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;
  - 2. Consistency with this ordinance;
  - Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes in keeping with the general appearance of neighboring developed or developing areas;
  - 4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;
  - 5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:

- a) An internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community:
- b) The amount and location of open space and landscaping;
- Materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent neighboring structures and uses; and
- d) Vehicular and pedestrian circulation, including walkways, interior drives, and parking in terms of location and number of access points to the public streets, width of interior

### Section 3. Findings.

- The proposal meets the general conditional use permit standards outlined in City Code §300.21 Subd.2.
- The proposal meets the specific conditional use permit standards outlined in City Code §300.21 Subd.3(m).
  - 1. The proposal has been reviewed by the city's building, engineering, planning, natural resources, and fire staff to ensure consistency with the city's development guides.
  - 2. The proposal is consistent with the ordinance. The proposal meets all general and specific conditional use permit standards and the anticipated parking demand could be accommodated onsite.
  - 3. No exterior modifications to the building or site are proposed at this time. All changes would be interior to the building.

### Section 4. City Council Action.

- 4.01 The above-described conditional use permit is approved, subject to the following conditions:
  - 1. This resolution must be recorded with Hennepin County.
  - 2. Religious institution occupancy must substantially comply with the area identified on the Fit Plan, dated July 31, 2017.
  - 3. The building must comply with all requirements of the Minnesota state building code, fire code, and health code.

- 4. The city council may reasonably add or revise conditions to address any future unforeseen problems.
- 5. Any change to the approved use, including an increase in the area occupied, that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on October 9, 2017.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

### Action on this resolution:

Motion for adoption: Wiersum Seconded by: Bergstedt

Voted in favor of: Ellingson, Acomb, Wiersum, Bergstedt, Wagner, Schneider

Voted against: Abstained:

Absent: Allendorf Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on October 9, 2017.

David E. Maeda, City Clerk

### 8. Public Hearings

A. Resolution repealing and replacing Resolution No. 2017-118 for a conditional use permit for a religious institution at 15408 and 15414 Minnetonka Industrial Road.

Chair Sewall introduced the proposal and called for the staff report.

Cauley reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

The public hearing was opened. No testimony was submitted and the hearing was closed.

Luke stated that the application is straight forward and Cauley covered everything in the staff report.

Cauley received an email from the applicant stating that he had nothing to add to the staff report and he was ready for the motion.

Luke moved, second by Powers, to recommend that the city council adopt the attached resolution repealing and replacing Resolution No. 2017-118 for a religious institution at 15408 and 15414 Minnetonka Industrial Road.

Powers, Waterman, Hanson, Henry, Luke, and Sewall voted yes. Maxwell was absent. Motion carried.

#### Resolution No. 2021-

# Resolution repealing and replacing Resolution No. 2017-118, approving conditional use permit, with a parking variance, for a religious institution at 15408 and 15414 Minnetonka Industrial Road

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

### Section 1. Background.

- 1.01 On Oct. 9, 2017, the city council adopted Resolution No. 2017-118 approving a conditional use permit for a religious institution at 15414 Minnetonka Industrial Road.
- 1.02 Mercy Hill Church has requested an amendment to expand the religious institution into the adjacent tenant space. The request requires a conditional use permit and a parking variance from 298 spaces to 242 spaces.
- 1.03 The property is located at 15408 and 15414 Minnetonka Industrial Road. It is legally described as:

That part of Lot 3, Block 1, which lies Northerly of a line 271.00 feet Southerly of measured at right angles to and parallel with the Northerly line of said Lot 3 and also that part of the East 47.00 feet of said Lot 3 which lies Southerly of a line 271.00 feet Southerly of measured at right angles to and parallel with the Northerly line of said Lot 3 and which lies Northerly right-of-way line of Minnetonka Industrial Road as dedicated in Minnetonka Industrial Park, Hennepin County, Minnesota, according to the plat thereof on file or of record in the office of the Registrar of Title in and for said County.

**Torrens Property** 

Torrens Certificate No. 1079923

1.04 On Jan. 25, 2021, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit with variance.

Resolution No. 2021- Page 2

#### Section 2. Standards.

2.01 By City Code 300.20, Subd. 4, public buildings are conditionally permitted uses within the I-1 zoning district. By the same code, "other uses similar" to those conditionally permitted uses outlined are also conditional uses.

- 2.02 By Code 300 and City Code §300.21 Subd. 2 outlines the general standards that must be met for granting a conditional use permit. These standards are incorporated into this resolution by reference.
- 2.03 City Code §300.21 Subd. 3(m) outlines the following specific standards that must be met for granting a conditional use permit for public buildings:
  - 1. Site and building plan pursuant to Section 300.27 of this ordinance.
- By City Code §300.07 Subd.1, a variance may be granted from the requirements of the zoning ordinance when: (1) the variance is in harmony with the general purposes and intent of this ordinance; (2) when the variance is consistent with the comprehensive plan; and (3) when the applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties means: (1) The proposed use is reasonable; (2) the need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic considerations; and (3) the proposed use would not alter the essential character of the surrounding area.

### Section 3. Findings.

- 3.01 The proposed religious institution is similar to public buildings in which large groups gather at specific times for a specific purpose.
- The proposal would meet the general conditional use permit standards outlined in City Code §300.21 Subd. 2.
- The proposed expansion would continue to meet the specific conditional use permit standards outlined in City Code §300.21 Subd. 3(m).
  - 1. The proposal has been reviewed by the city's building, engineering, planning, natural resources, and fire staff to ensure consistency with the city's development guides.
  - 2. But for the parking variance, the proposal would be consistent with the ordinance. Further, the parking variance is reasonable as the proposed uses are complementary and would experience varied peak parking demand times.
  - 3. No external modifications to the property are proposed as part of the expansion.
  - 4. All proposed changes are internal to the building. As such, the proposed

Resolution No. 2021- Page 3

- expansion would not change the site's visual appearance.
- 5. The applicant is not proposing any site or exterior building improvements at this time. As such, there would be negative impacts to existing open space on the property.
- 6. Building permits and plans meeting the minimum energy code would be required.
- 7. The expansion of the religious institution would be complementary to the existing use and the immediate area. The proposal would not have any negative impact on adjacent or neighboring properties.
- The proposed expansion would meet the variance standard as outlined in City Code §300.07, Subd. 1:
  - 1. Intent of the ordinance: The intent of the ordinance as it relates to parking requirements is to ensure that adequate parking is provided to meet anticipated parking demands. Based on ITE standards, the varied uses within the two buildings on the property would be complementary and would experience peak parking demands at varied times. While the city does not anticipate parking issues, if issues should arise in the future, there are opportunities for shared parking agreements within the area.
  - 2. Consistency with the comprehensive guide plan: One of the overall themes outlined in the guide plan is to "provide development opportunities to increase vitality, promote identity, and improve livability." The requested variance would allow for the reuse of a currently vacant space.
  - 3. There are practical difficulties in complying with the ordinance:
    - a) Reasonable and unique circumstance: The requested variance is reasonable. Based on ITE standards, the users of the property are complementary and would experience varied peak parking demands. While it is not anticipated that there will be any parking issues, there are opportunities for shared parking within the industrial park.
    - b) Character of the locality: The requested variance would not significantly impact the character of the locality. Rather, the variance would allow for the reuse of a currently vacant space and the reasonable expansion of an existing use.

### Section 4. City Council Action.

4.01 The above-described conditional use permit is approved, subject to the following conditions:

Resolution No. 2021- Page 4

- 1. This resolution must be recorded with Hennepin County.
- 2. A building permit is required. The building must comply with all requirements of the Minnesota state building code, fire code, and health code.
- 3. The building must substantially comply with the phased plans dated Dec. 8, 2020.
- 4. The city council may reasonably add or revise conditions to address any future unforeseen problems.
- 5. Any change to the approved use that results in a significant increase in a significant change in character would require a revised conditional use permit.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this resolution:

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on Feb. 8, 2021.

Becky Koosman, City Clerk

Adopted by the City Council of the City of Minnetonka, Minnesota, on Feb. 8, 2021.

### City Council Agenda Item #14A Meeting of Feb. 8, 2021

### **Brief Description**

Items concerning Dick's Sporting Goods at 12437 Wayzata Blvd:

- 1. Amendment to an existing master development plan; and
- 2. Building plans

#### Recommendation

Adopt the ordinance and resolution approving the request

### **Background**

Ridgedale Center and the immediately surrounding area have an extensive development history, which includes privately-led changes to the shopping center itself and city-led development studies and investment into public infrastructure and amenities. This history is outlined, in detail, in the attached planning commission report.

The original proposal submitted by the applicant, Zach Kamerer, on behalf of NELSON Worldwide, and the property owner, included site and building improvements for the anchor tenant space at Ridgedale Center, formally occupied by Sears. The site plans included parking islands, an underground stormwater facility, and pedestrian improvements. The building plans included interior remodeling and façade improvements for Dick's Sporting Goods and two additional tenants.

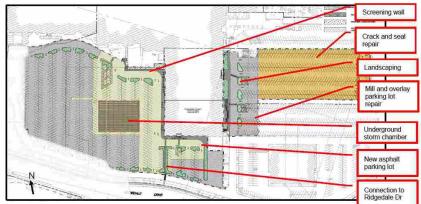


Figure 2: Original proposal

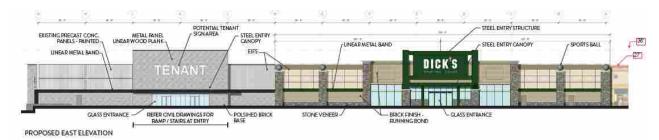


Figure 1: Original Proposal

### **Planning Commission Review**

The planning commission considered the request on Jan. 7, 2021. The commission report, associated plans, and meeting minutes are attached. Staff recommended approval of the site plans and denial of the master development plan amendment, building plans, and sign plan amendment.

At that meeting, the property owner and a representative from Dick's Sporting Goods addressed the commission regarding the design of the sign and elevations. A public hearing was then opened to take comment, but no one appeared to speak. Following the public hearing, the commission asked questions and discussed the proposal, and generally commented:

- <u>Site improvements:</u> Some of the commissioners called for better pedestrian connection to the new park at Ridgedale.
- <u>Facade improvements:</u> The commissioners unanimously agreed the amount of EIFS should be further reduced. Some commissioners commented that the western display window that portrays an entrance is misleading. Other comments included the height of the roofline and overall design characteristics.
- <u>Signage:</u> Several commissioners were in agreement that consideration should be made to allow exterior signage for the future tenants noting that the "junior anchors" do not have access to the interior mall. However, the planning commission expressed concern regarding "approving" a sign area for those tenants without seeing the sign details. All commissioners were in agreement that the southern signs above the loading dock should be lowered or removed.

On a 4-3 vote, the planning commissioners recommended that the city council adopt the following:

- A resolution denying an amendment to the Ridgedale Center master development plan and building plans;
- A resolution approving final site plans; and
- A resolution denying the sign plan amendment.

### Since the Planning Commission Meeting

Following the planning commission meeting, the applicant submitted revised plans. Staff reviewed the plans and provided a detailed review of the changes in the staff report for the Jan. 25, 2021 city council meeting. As noted in that report, staff acknowledged that the plans were a step in the right direction, but not significant enough to change staff's recommendation.

The applicant requested to the table the request prior to the city council review of the item.

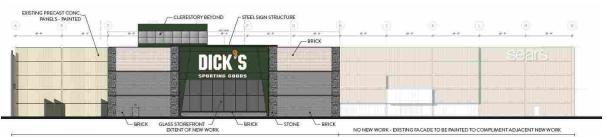
### **Revised Proposal – Under Consideration**

City staff and the applicant have continued conversations regarding the proposal. Responding to staff's comments, the applicant has again submitted revised plans. The newly submitted plans include the following changes:

- <u>Site improvements:</u> The site improvements parking lot, stormwater, landscaping, and pedestrian connections have been removed from the proposal.
- <u>Future tenants:</u> The signs and façade improvements for the future tenants have been removed from the proposal. The existing façade would be painted to complement the adjacent tenant at this time.
- <u>Dick's Sporting Goods</u>: Dick's Sporting Goods would occupy 103,650 square feet of the former Sears anchor tenant space. The interior would be remodeled, and the existing façade would be updated to reflect the Dick's Sporting Goods brand.

Major changes from the previous plan include:

- 1. The amount of glass, brick, and stone has been increased. Additionally, EIFS has been removed from all elevations.
- 2. A clerestory (roof/glass element) has been incorporated.
- 3. A brick sill has been added to address the commissioner's comments regarding the display window on the west elevation.
- 4. The mass of the steel structure on the east elevation has increased to better incorporate the structure into the building.
- 5. No work other than painting is proposed on the south elevation. The signs have been removed.
- 6. Details on the signs were not submitted with the recent plans but appear to be consistent with the previous plans, which would be allowed by the mall's existing sign plan. As such, a sign plan amendment is no longer required, and the signs can be reviewed administratively with a sign permit.



PROPOSED WEST ELEVATION



### **Staff Comment**

After a year of discussing the general proposal with representatives from Ridgedale Center ownership and Dicks Sporting Goods, staff supports the most recent changes. The revised plans reflect a building façade that is cohesive with other recent mall exterior renovations and additions and surrounding development. The updated plan also addresses the major issue staff identified in that the sign and supporting structure be more integrated into the building. Details regarding any landscaping or sidewalk improvements relating to this permit would need further staff review prior to permit issuance. Future, larger site improvements, notably sidewalk and landscaping improvements, will need to be addressed at a future date with build-out of the remaining former Sears tenant space. These are noted as a condition of approval. The recent plans require:

- **Master development plan.** By city code, a master development plan is required for all property within the Planned I-394 (PID). The northern property of the mall is governed by a master development plan, but this section of the mall is not included. The proposal includes an update to the existing master development plan to include this area.
- **Building plan approval.** The division of the existing anchor tenant into small tenant areas and exterior façade improvements require building plan improvements.

#### **Staff Recommendation**

Recommend the city council adopt the following:

- Ordinance approving an amendment to the Ridgedale Center master development plan;
   and
- Resolution approving the final building plans.

Through: Geralyn Barone, City Manager

Julie Wischnack, AICP, Community Development Director

Loren Gordon, AICP, City Planner

Originator: Ashley Cauley, Senior Planner

Revised plans received Jan. 29, 2021

### RIDGEDALE CENTER | PROJECT STATEMENT

January 29, 2021

Loren Gordon City Planner City of Minnetonka 14600 Minnetonka Blvd Minnetonka, MN 55345

RE: Ridgedale Center - Sears Redevelopment - Modification of Application for Dick's Sporting Goods Only

### Dear Loren:

This letter serves as confirmation that Brookfield Properties is seeking to modify the Sears Redevelopment applications that were submitted to the City on November 17, 2020 by eliminating for consideration and approval the following portions of the project:

- 1. Signs for the vacant portions of the building that were speculative and had a general sign area proposed. Only signs associated with Dick's Sporting Goods store are being sought for approval.
- 2. Elimination of the parking lot improvements which are no longer required in the short term.
- Building modifications for the vacant portions of the building that were speculative, such as new storefronts.

Our intent is to keep the approval process limited in scope and focused on the Dick's Sporting Goods +/104,000 square foot two-level "Store of the Future" that includes a mix of building materials, high emphasis on
glass, and the addition of clerestory.

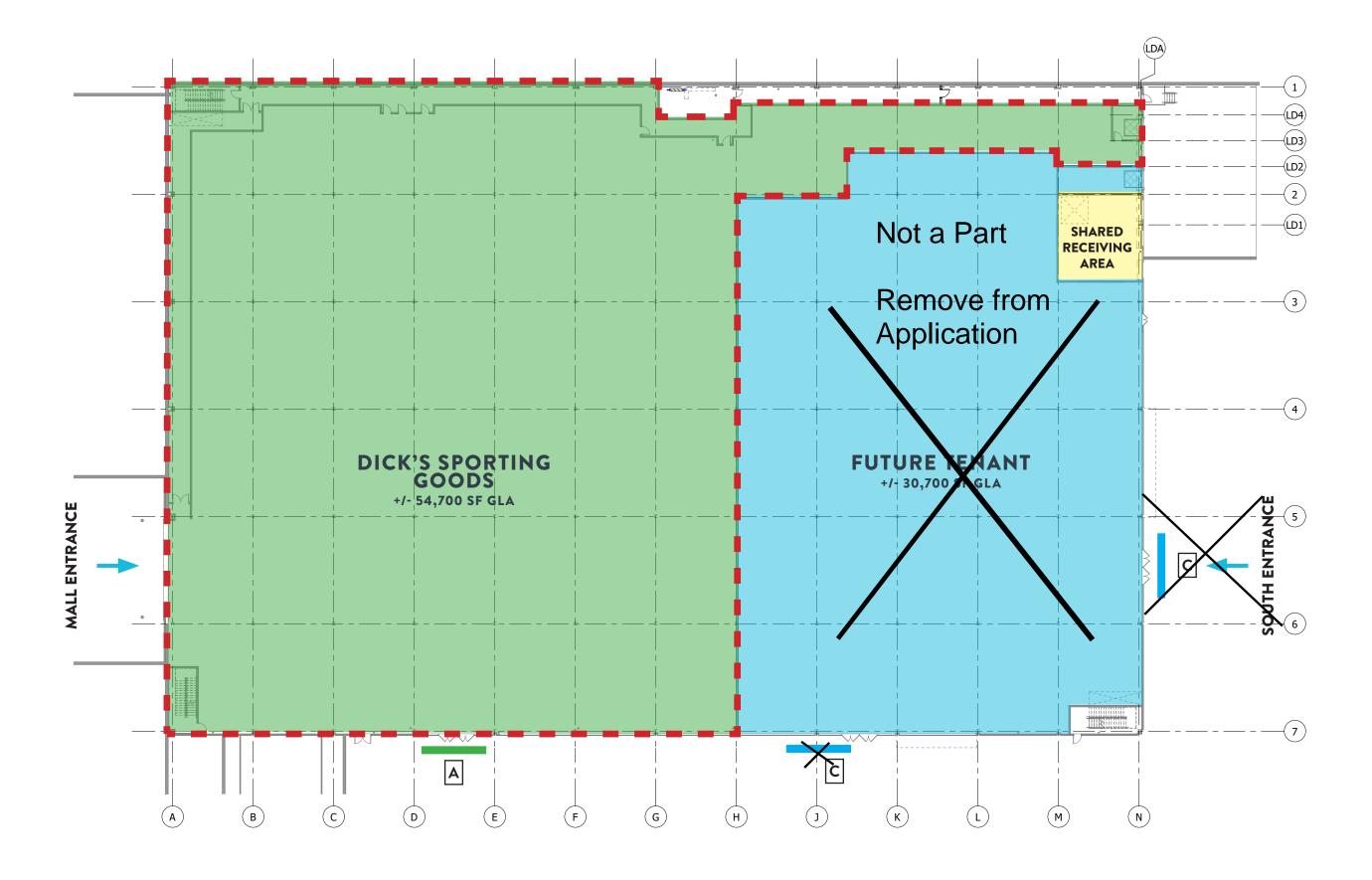
Brookfield Properties will put forward a second phase, under a separate application, for the parking lot improvements when we have tenants with tenant designed storefronts, and signs to present for the balance of the Sears building. In the short term, we intend to paint the portions of the Sears box that will be vacant in order to give the box a clean looking appearance next to the new Dick's store.

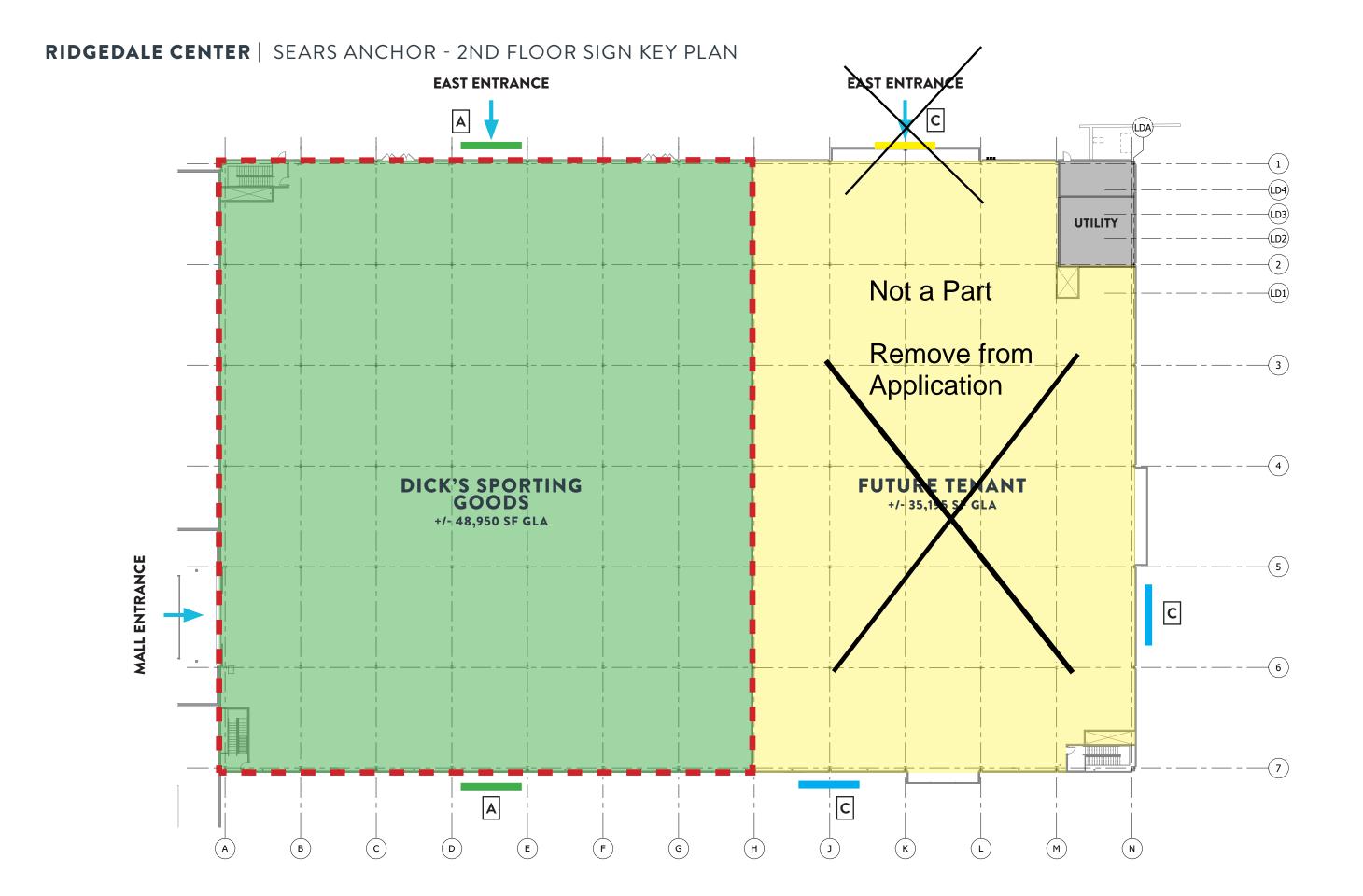
We have included a markup of the previous elevation drawings and lease plan showing the portions of the box that are no longer part of the application.

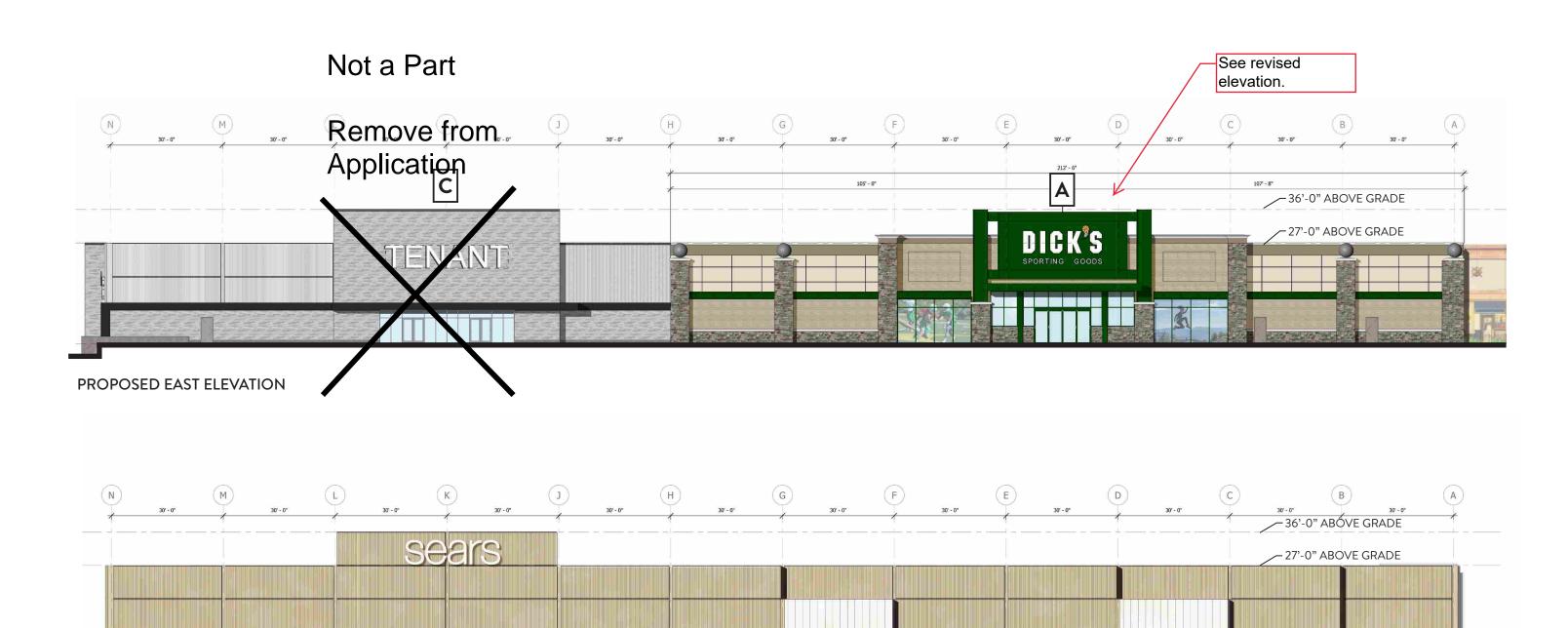
Sincerely

James Varsamis

Vice President, Development Brookfield Properties Retail

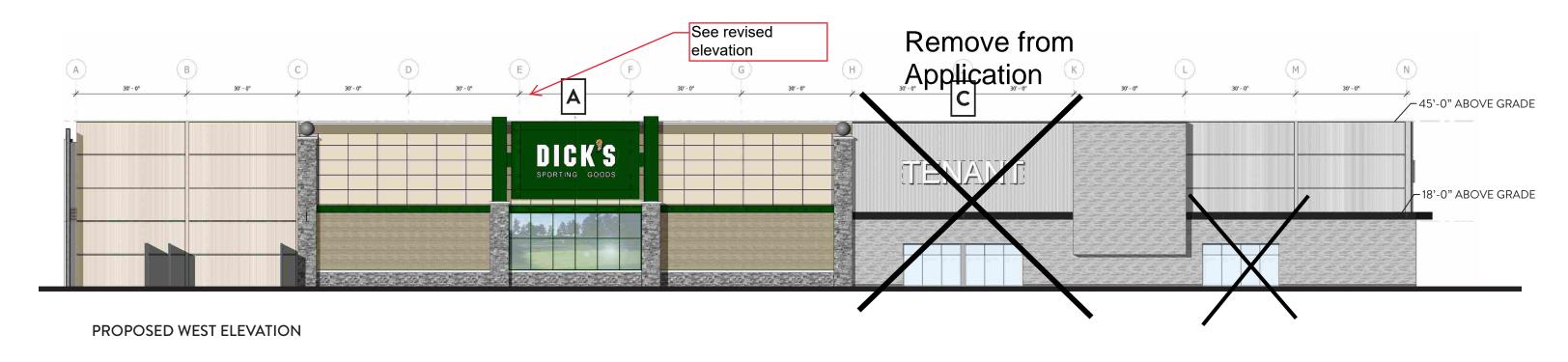


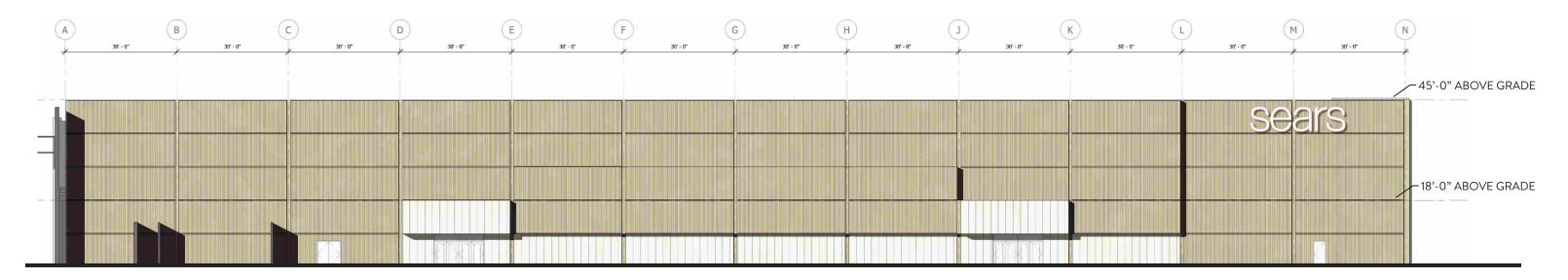




**EXISTING EAST ELEVATION** 

## Not a Part

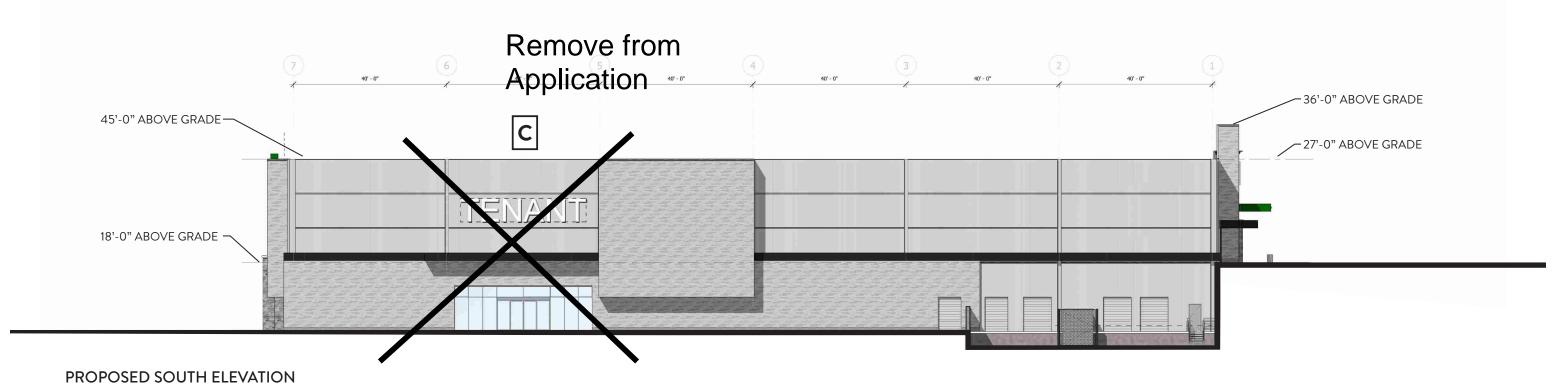




**EXISTING WEST ELEVATION** 

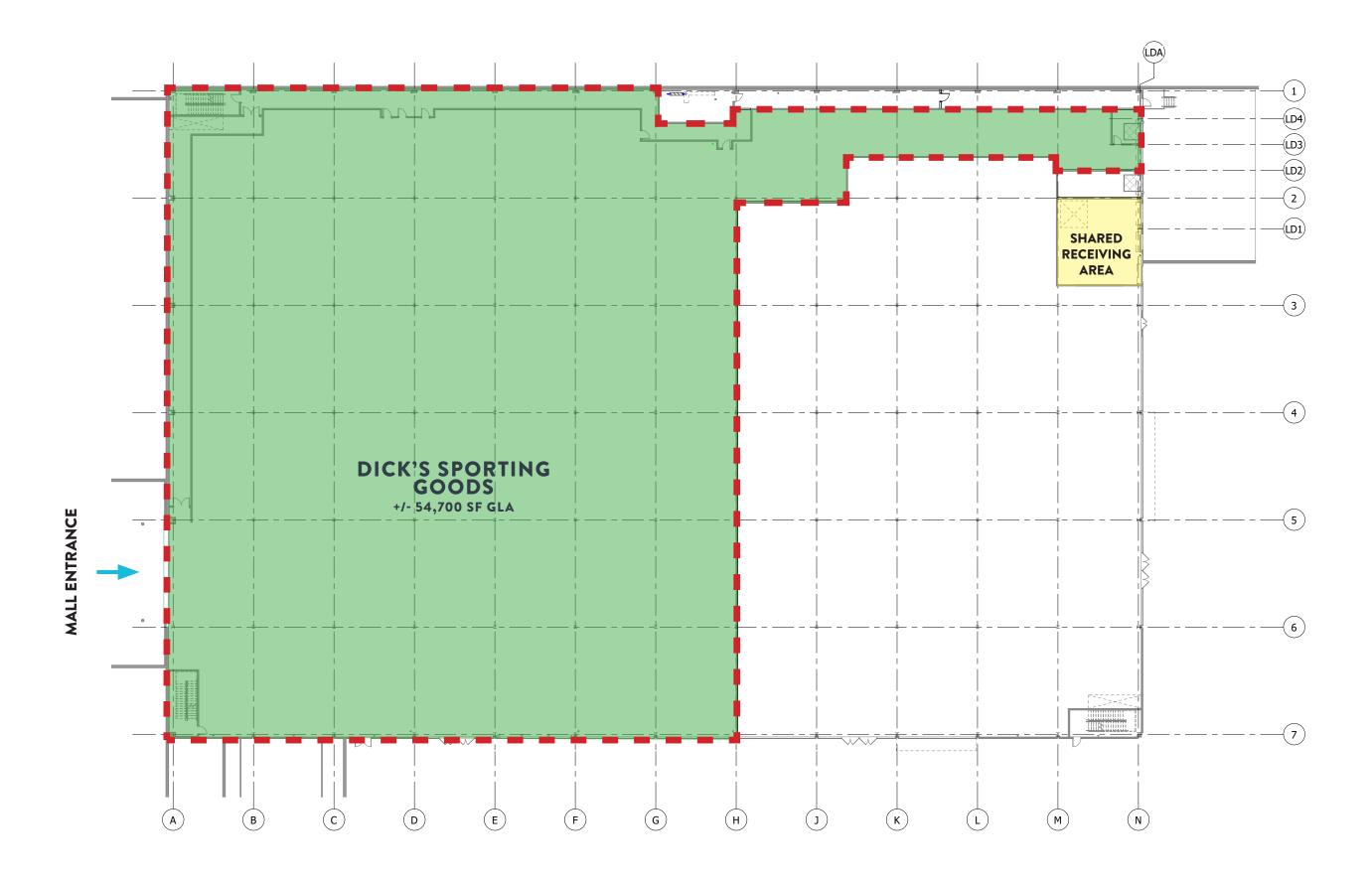
### RIDGEDALE CENTER | SOUTH ELEVATION

## Not a Part

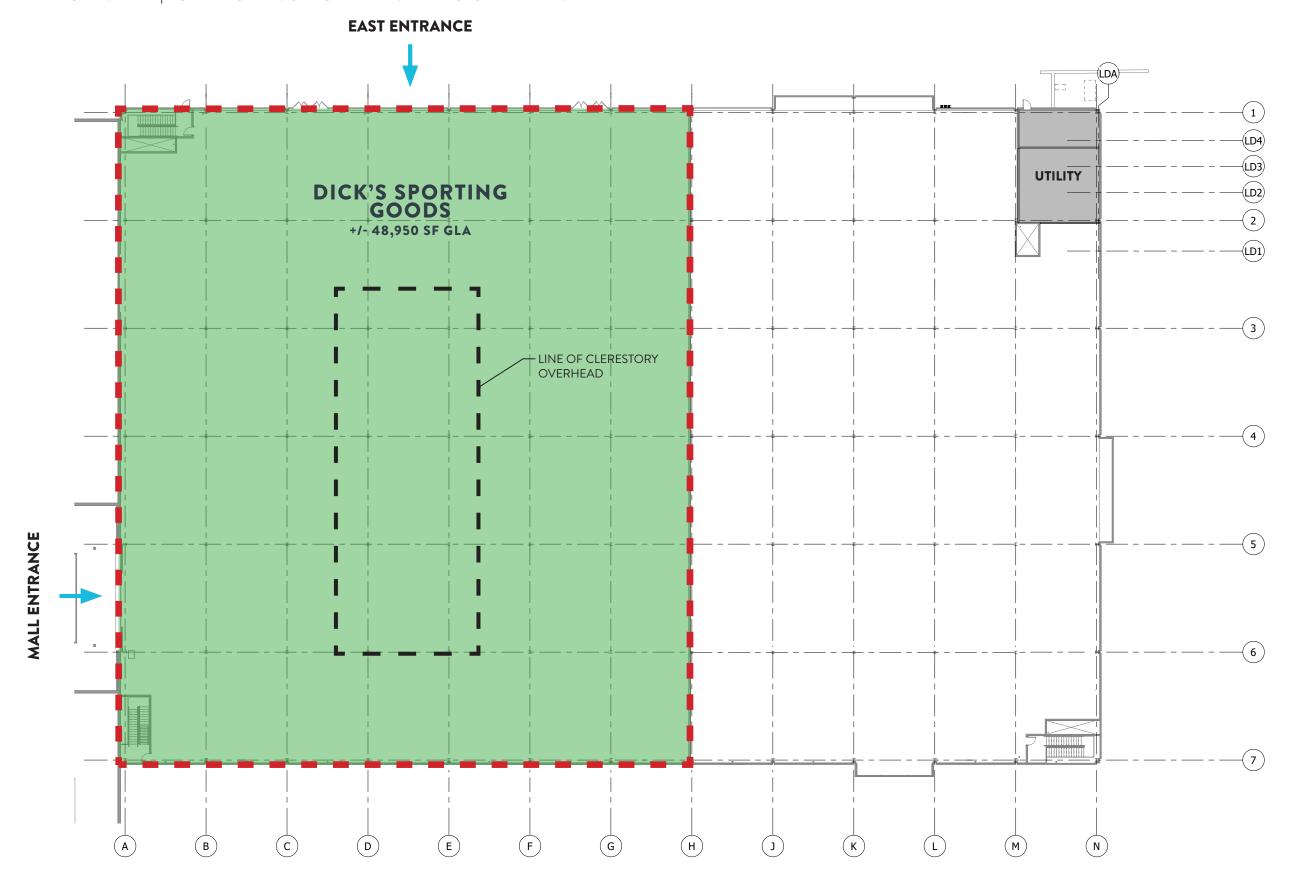




**EXISTING SOUTH ELEVATION** 



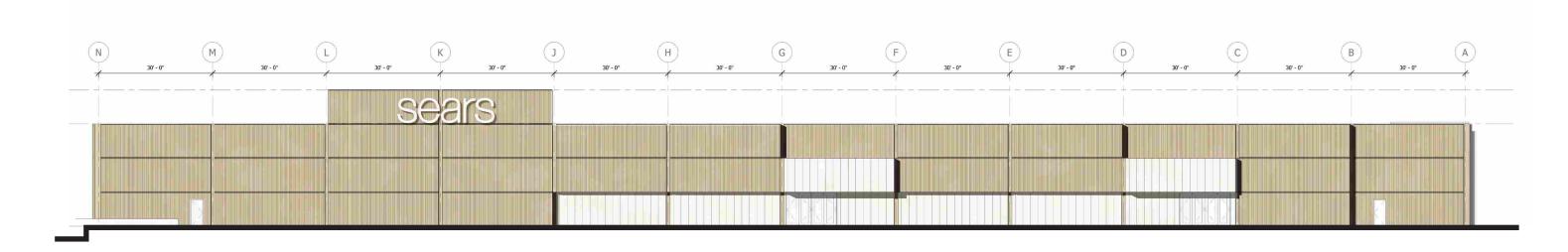
### RIDGEDALE CENTER | SEARS ANCHOR - 2ND FLOOR PLAN



### RIDGEDALE CENTER | EAST ELEVATION



### PROPOSED EAST ELEVATION



### **EXISTING EAST ELEVATION**

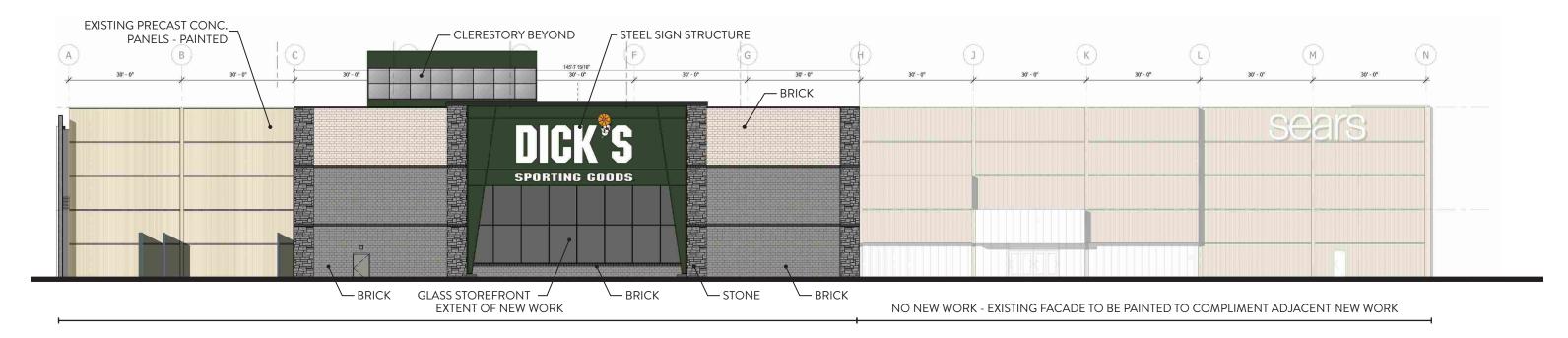
#### FINISH MATERIAL TAKEOFF

TOTAL ELEVATION AREA = +/- 10,615 SF

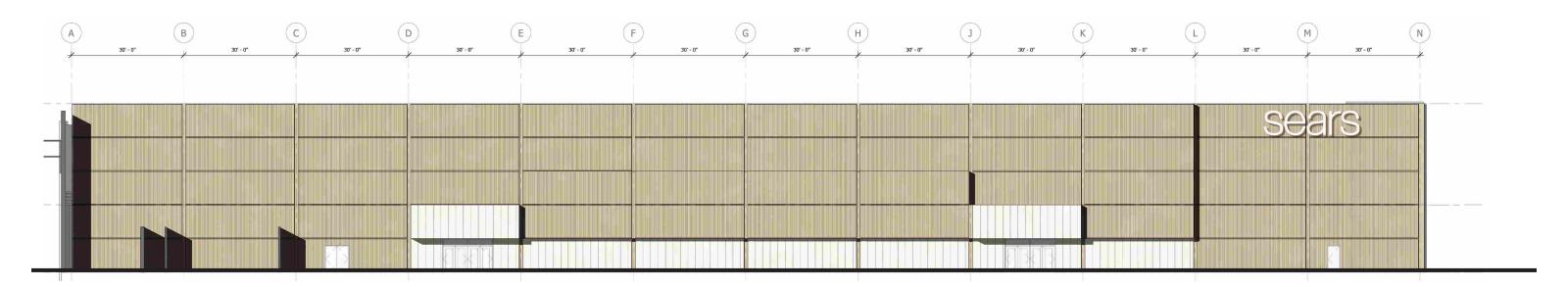
### TOTAL RENOVATED AREA = +/- 6,625 SF

- BRICK = +/- 1,628 SF (25%) - STONE = +/- 552 SF (9%) - GLASS = +/- 3,120 SF (47%) - METAL PANEL = +/- 393 SF (6%) - SIGN METAL = +/- 832 SF (13%)

### RIDGEDALE CENTER | WEST ELEVATION



### PROPOSED WEST ELEVATION



**EXISTING WEST ELEVATION** 

FINISH MATERIAL TAKEOFF

TOTAL ELEVATION AREA = +/- 15,850 SF

### TOTAL RENOVATED AREA = +/- 6,625 SF

- EXISTING PRECAST = +/- 994 SF (15%)

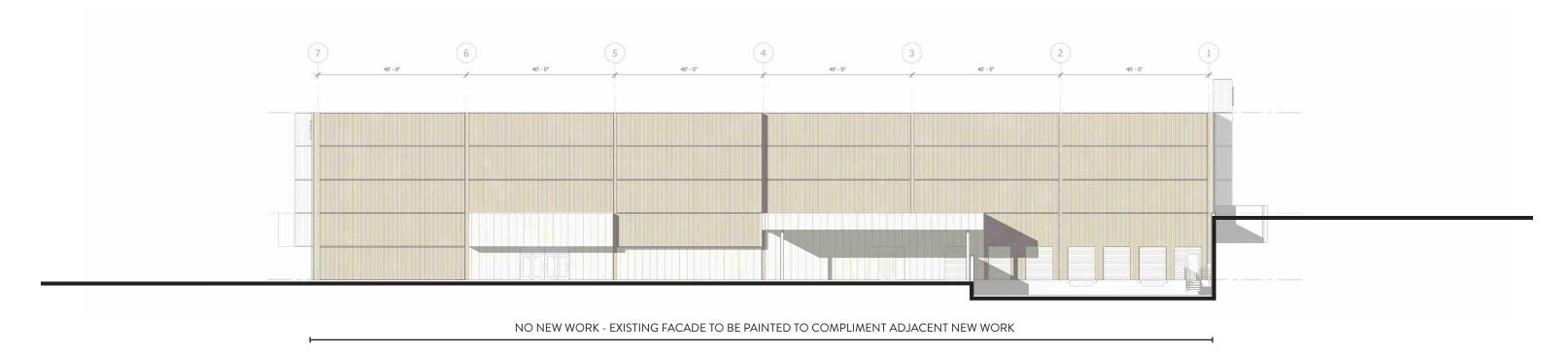
- METAL = +/-185 (3%)

- BRICK =  $\pm -3,678$  SF (55%)

- STONE = +/- 860 SF (13%)

- GLASS = +/- 908 SF (14%)

## RIDGEDALE CENTER | SOUTH ELEVATION



**EXISTING SOUTH ELEVATION** 

FINISH MATERIAL TAKEOFF

TOTAL ELEVATION AREA = +/- 10,760 SF

## RIDGEDALE CENTER | PANORAMIC VIEW



## RIDGEDALE CENTER | PANORAMIC VIEW



## RIDGEDALE CENTER | SOUTHEAST PERSPECTIVE





### City Council Agenda Item #14\_ Meeting of Jan. 25, 2021

#### **Brief Description**

Items concerning Dick's Sporting Goods at 12437 Wayzata Blvd:

- 1. Amendment to an existing master development plan;
- 2. Site and building plan review;
- 3. Sign plan amendment

#### Recommendation

Approve the site plan improvements and deny the master development plan amendment, sign plan amendment, and building plans.

#### Background

Ridgedale Center and the immediately surrounding area have an extensive development history, which includes privately-led changes to the shopping center itself and city-led development studies and investment into public infrastructure. This history is outlined, in detail, in the attached planning commission report.

#### **Proposal**

The applicant, Zach Kamerer, on behalf of NELSON Worldwide and the property owner, are proposing site and building improvements for the anchor tenant space at Ridgedale Center, formerly occupied by Sears. The site plans include landscaped parking islands, an underground stormwater facility, and pedestrian improvements. The building plans include interior remodeling to accommodate Dick's Sporting Goods and additional future tenants. The façade also is proposed to be updated to reflect the Dick's Sporting Goods brand.

The applicant's proposal requires:

- Master development plan. By city code, a master development plan is required for all property within the Planned I-394 District (PID). The northern portion of the mall is governed by a master development plan, but this section of the mall is not included. The proposal includes an update to the existing master development plan to include this area.
- Site and building plan approval. City code requires site and building plan approval
  when significant changes are made to a building or site. The amount of site
  improvements, grading, and changes proposed to the building require site and building
  plan approval.
- **Sign plan amendment.** Exterior signage at Ridgedale Center mall is governed by a sign plan originally adopted in 1986. Prior to this time, the center was regulated by the conventional sign ordinance. The current sign plan, which was adopted in 2015, only allows exterior signage, meeting specific criteria, for anchor tenants exceeding 100,000 square feet; restaurants with frontage on the mall exterior, and freestanding buildings. The proposal requires amendments to the existing sign plan to allow:

- 1. Signs located outside of lease lines.
- 2. Signs above the roofline of the tenant space.
- 3. Exterior signage for non-anchor tenants (tenants less than 100,000 square feet).

#### **Staff Comment**

City staff has been discussing the general proposal with representatives from Ridgedale Center ownership and Dicks Sporting Goods for over one year. Staff appreciates the property owner's goal to fill a vacant space with a known and recognizable tenant and also understands the goal of Dick's Sporting Goods to relocate to a larger shopping area. However, staff also recognizes that investment in this large space will have a long term influence on the Ridgedale village center. Staff does not support the façade improvements or signage package as proposed, finding they are not consistent with the high level of materials and design expected in the I-394 corridor and already at Ridgedale Center. Staff has suggested a series of relatively minor changes that would result in a more acceptable design. Unfortunately, after many months of conversation, staff and the applicant have been unable to come to an agreement.

## **Planning Commission Hearing**

The planning commission considered the request on Jan. 7, 2021. The commission report, associated plans, and meeting minutes are attached. Staff recommended approval of the site plans and denial of the master development plan amendment, building plans, and sign plan amendment.

At that meeting, the property owner and a representative from Dick's Sporting Goods addressed the commission regarding the design of the sign and elevations. A public hearing was then opened to take comment, but no one appeared to speak. Following the public hearing, the commission asked questions and discussed the proposal, and generally commented:

- <u>Site improvements.</u> Some of the commissioners called for a better pedestrian connection to the new park at Ridgedale.
- <u>Façade improvements.</u> The commissioners unanimously agreed that amount of EIFS should be further reduced. The commissioners also shared their thoughts on the western display window that portrays an entrance, height of the roofline, and overall design characteristics.
- <u>Signage.</u> Several commissioners were in agreement that consideration should be made
  to allow exterior signage for the future tenants noting that the "junior anchors" do not have
  access to the interior mall. However, the planning commission expressed concern
  regarding "approving" a sign area for these tenants without seeing them. All
  commissioners were in agreement that the southern signs above the loading dock should
  be lowered or removed.

#### **Planning Commission Recommendation**

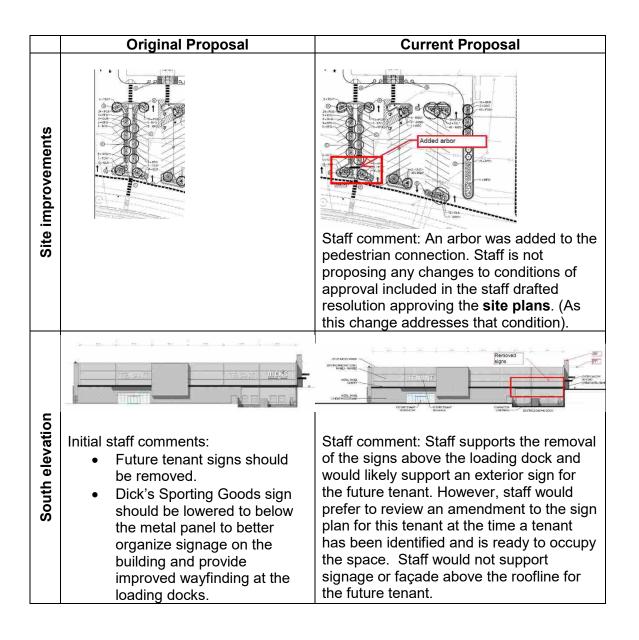
On a 4-3 vote, the commission recommended that the city council adopt the following:

 A resolution denying an amendment to the Ridgedale Center master development plan and building plans;

- A resolution approving final site plans; and
- A resolution denying the sign plan amendment.

## **Since Planning Commission Hearing**

- <u>Neighborhood feedback:</u> Several comments were received after the planning commission meeting. Those comments are attached.
- <u>Revised plans</u>: The applicant submitted revised plans. The table below is intended to summarize the revisions:



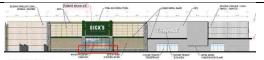


West elevation



#### Initial staff comments:

- Future tenant signs should be removed.
- The amount of EIFS should be reduced to less than 20 percent.
- The Dick's Sporting Goods display window portrays an entrance and would be confusing for pedestrians.
- Adjustments should be made to the façade to improve symmetry and cohesiveness.
   For example, the height of the metal band for Dick's Sporting Goods should match the band of the future tenant.



#### Staff comments:

- Staff would likely support an exterior sign for a future tenant, but again, a review should occur at the time of occupancy.
- No changes were made to the amount of EIFS proposed on this elevation.
- A stone sill was added to better portray a display window.
- No changes were made to improve symmetry.

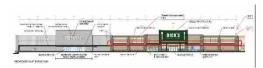


Initial staff comments: Dick's Sporting Goods:

- The sign and associated structure should not extend above the roofline.
   Consideration should be made to increasing the stone columns to blend the metal sign structure.
- The amount of EIFS should be reduced to better complement materials for the existing mall.
- Increase the amount of glass.
- Horizontal metal band should be pulled through to complement the existing horizontal architecture of the mall.

#### Future tenant:

- Signage for the future tenant should be removed.
- EIFS on the right side of the tenant sign area should be painted precast to ensure a cohesive façade design.
- If the sign area is removed, further consideration of the façade will be needed to increase visual interest.



Staff comment: The horizontal band on the Dick's elevation was increased. This reduced the amount of EIFS from 19 percent to 15 percent.

The material on the right side of the future tenant sign area is still EIFS, but it appears that the patterning would be more consistent with the precast concrete.

Staff continues to have the following concerns:

- The Dick's Sporting Goods sign and sign structure extend above the roofline of the existing building.
- Staff acknowledges that by raising the horizontal metal band, the amount of EIFS was reduced.
   However, now the elevation lacks symmetry. The metal band should be consistent across the entire elevation.
- Staff would continue to encourage the reduction of EIFS on the elevation with more durable materials.
- Staff may support the request for the future tenant to have an external sign on the elevation.
   However, review any modifications to the sign plan should be made at the time a tenant occupies the space.

#### **Staff Recommendation**

Staff acknowledges that some of the recent changes to the plans were steps in the right direction. However, at this time, staff's recommendation remains unchanged. Staff recommends the city council adopt the following for Dick's Sporting Goods and a future tenant at 12437 Wayzata Blvd:

# East Elevation

- 1. Resolution denying an amendment to the Ridgedale Center master development plan and building plans.
- 2. Resolution approving the final site plans.

3. Resolution denying the sign plan amendment.

Through: Geralyn Barone, City Manager

Julie Wischnack, AICP, Community Development Director

Loren Gordon, AICP, City Planner

Originator: Ashley Cauley, Senior Planner

## MINNETONKA PLANNING COMMISSION Jan. 7, 2021

#### **Brief Description**

Items concerning Dick's Sporting Goods at 12437 Wayzata Blvd:

- 1. Amendment to an existing master development plan;
- 2. Site and building plan;
- 3. Sign plan amendment

#### Recommendation

Recommend the city council approve the site plan improvements and deny the master development plan amendment, sign plan amendment and building plans.

#### **Background**

In 1965, the Dayton Hudson Company requested that the property located south of then Highway 12 (now I-394) and between Plymouth Road and County Road 73 be rezoned from residential to "shopping center district." Ridgedale Center mall was developed and various site and building plans, variances, and conditional use permits were granted over the next few years until the mall officially opened in 1974.



Figure 1: 1989 Aerial

Very few exterior changes or redevelopment occurred until the <u>visioning</u> collaboration of Ridgedale Center mall and city staff resulted in the adoption of the Ridgedale Village Center Study in 2012. The resulting plan identified 8 strategies:

- 1. Protect natural features and restore more of the tree canopy
- 2. Public and private projects should enhance streets, sidewalks, trails, parks and other public spaces.
- 3. Retrofit streets to provide safe, convenient and appealing routes for walking and bicycling.



Figure 2: Ridgedale Village Center Study

- Adopt new land use regulations that increase intensity in certain areas of the district.
- 5. Develop design standards that encourage high quality development and redevelopment.
- Use a system of wayfinding, identification signs and gateway features to strengthen the image of the district.
- 7. Public financing will encourage quality development.
- 8. Partner with for-profit and non-profit developers to provide infill development and public amenities.

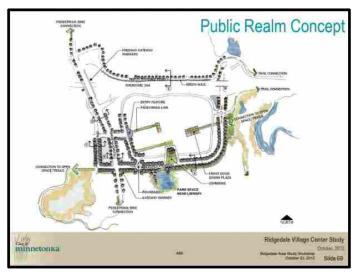


Figure 3: Ridgedale Village Center Study

The Ridgedale Village Center Study became the framework for resulting public and private investment in the area.

In 2013, the then mall owners, General Growth Properties, developed a master development plan consisting of three phases:

- Phase One: The first phase included construction of a 80,000 square foot addition to Macy's, updating the exterior of the Macy's store, as well as parking lot, stormwater and landscaping improvements for the north side of the site.
- Phase Two: The second phase consisted of the demolition of the then existing Macy's Men's and Home store and construction of an addition to the mall and a new 14,000 square foot anchor department store (Nordstrom). Phase Two also included parking lot, stormwater, and landscaping improvements throughout the site.



Figure 4: Ridgedale Center Master Development Plan

 <u>Phase Three:</u> The third phase consisted of three new, freestanding restaurants on the northwest side of the mall, as well as final parking lot and landscaping improvements. Two of the three restaurant pads have been built and are currently occupied by Xfinity, Café Zupas and iFly. One restaurant pad remains. Subject: Dick's Sporting Goods, 12437 Wayzata Blvd

In 2017, the city developed the <u>Ridgedale Area Public Realm Guidelines</u>, which provided guidance in the transformation of the retail center into a mixed-use community, reconstruction of Ridgedale Drive as a parkway, improving pedestrian access and connectivity and refining enhancements to the area's natural features. The guidelines provide the following design recommendations for surface parking lots:

- Establish a direct and continuous pedestrian network within and adjacent to parking lots to connect building entrances, parking spaces, public sidewalks, transit stops and other pedestrian destinations;
- Provide at least one pedestrian route between the main building entrance and the public sidewalk that is uninterrupted by surface parking and driveways;
- Provide pedestrian pathways that are a minimum of six feet in width, include shade trees or shade structures, and incorporate traffic calming features to improve pedestrian safety.



Figure 5: Public realm concept plan

Distribute landscaping throughout the site to soften and screen parking lot edges.

The city has been committed to assisting and facilitating investment into mall improvements. Tax abatement is an economic tool that the state has provided to cities. While similar to tax increment financing (TIF), where the value of the new improvements is captured, tax abatement is a rebate of these increased property taxes rather than an exemption from paying them. Through the use of tax abatement additional landscaping, stormwater and pedestrian connection improvements were made possible as part of the Macy's, Nordstrom and mall-proper proposals.

The city began reconstructing Ridgedale Drive between Plymouth Road and Interstate-394 in 2019. Improvements include: new pavement, new public utilities, roundabouts, new landscaped medians, reconstructed sidewalks, new streetlights, and a new multi-use trail.



Figure 6: Ridgedale Drive Improvements



Figure 7: Ridgedale Drive Trails, Landscaping and Pedestrian Improvements

On Dec. 21, 2020, the city council introduced an ordinance to amend the existing Ridgedale Master Development plan to accommodate the Dick's Sporting Goods proposal. The council expressed concerns related to the amount of signage, lack of connectivity to the new park, and façade improvements.

#### **Proposal**

The applicant, Zach Kamerer, on behalf of NELSON Worldwide and the property owner, are proposing site and building improvements for the anchor tenant space at Ridgedale Center mall, formally occupied by Sears. The site plans include landscaped parking islands, an underground stormwater facility, and pedestrian improvements. The building plans include interior remodeling to accommodate Dick's Sporting Goods and additional future tenants. The façade also is proposed to be updated to reflect the Dick's Sporting Goods brand.

The applicant's proposal requires:

- Master development plan. By city code, a master development plan is required for all property within the Planned I-394 District (PID). The northern portion of the mall is governed by a master development plan, but this section of the mall is not included. The proposal includes an update to the existing master development plan to include this area.
- **Site and building plan approval.** City code requires site and building plan approval when significant changes are made to a building or site. The amount of site improvements, grading, and changes proposed to the building require site and building plan approval.
- **Sign plan amendment.** Exterior signage at Ridgedale Center mall is governed by a sign plan originally adopted in 1986. Prior to this time, the center was regulated by the conventional sign ordinance. The current sign plan, which was adopted in 2015, only allows exterior signage, meeting specific criteria, for anchor tenants exceeding 100,000 square feet; restaurants with frontage on the mall exterior and freestanding buildings. The proposal requires amendments to the existing sign plan to allow:
  - 1. Signs located outside of lease lines.
  - 2. Signs above the roofline of the tenant space.
  - 3. Exterior signage for non-anchor tenants (tenants less than 100,000 square feet).

#### **Proposal Summary**

Existing site features.

The proposal includes roughly 12 acres and includes the 205,070 square feet anchor tenant space formally occupied by Sears.

The property gently slopes downwards from the building and loading dock outwards away from



Figure 8: 2018 photograph

the building. Seasonal flooding occurs in southwest corner of the parking lot in the general area of the proposed underground chamber.

A sidewalk wraps around the east, west and south sides of the tenant space, but connectivity is interrupted by the existing loading dock. Some landscaping exists on the east side of the tenant space.

#### Proposed improvements.

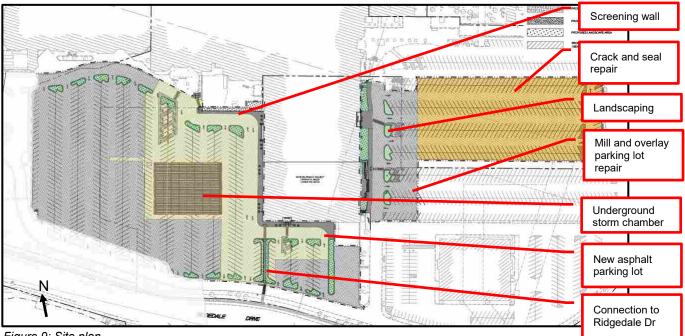


Figure 9: Site plan

Parking lot improvements: Under the proposal, sections of the parking lot would be repaired or replaced, as shown in Figure 5. Vehicular circulation patterns will remain relatively unchanged on the south and east side of the building. Circulation patterns on the western side of the building would be partially altered and reversed in sections to allow for the pedestrian connection from Ridgedale Drive to the mall (further described below).

Landscaping: Parking lot islands would be landscaped to include a mix of deciduous shrubs, grasses and ornamental trees. Existing landscaping in front of the screening wall west of Dick's Sporting Goods space would remain but additional trees and landscaping would be added to improve screening and "soften" the wall. Significant



Figure 10: Mall loading dock screening

landscaping is proposed along the foundation of the east side of the building. This landscaping would include a mix of trees, shrubs, grasses and perennial plantings. Pedestrian improvements: A concrete sidewalk and a stair connection was constructed on the north side of the Ridgedale Drive as part of the city project. The proposal includes a pedestrian connection on the south side of the building to provide a direct connection through the parking lot. The connection would be landscaped. Additional crossings are proposed in the parking lot on the east and west sides of the building. These crossings are generally located near the accessible parking stalls. But for the addition of a sidewalk on the south side of the screening wall (west of the building), the sidewalks

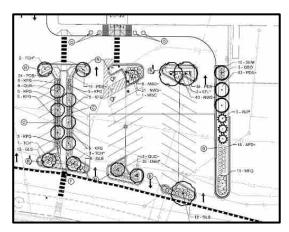


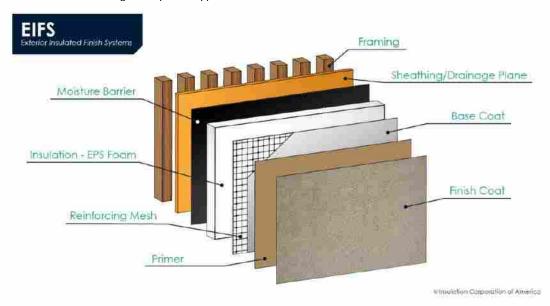
Figure 11: Proposed pedestrian connection

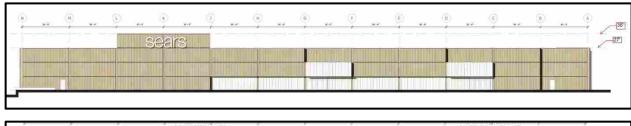
around the building are generally unchanged from existing conditions.

Stormwater and utility improvements: An underground stormwater facility is proposed to meet the city's stormwater requirements and to correct existing site flooding issues. Stormwater will be collected from new roof drains and catch basins on the west and south side of the building and directed to the new underground system. The proposal also includes a reconfiguration of the sanitary sewer system through the parking lot on the west side of the site.

<u>Building façade:</u> The existing façade primarily consists of precast concrete panels. A majority of these panels would be removed in order to reflect the Dick's Sporting Goods brand. The façades of the future tenant spaces would also be updated. Façade materials would include metal, brick, stone, exterior insulation finishing system (EIFS), and glass.<sup>1</sup>

<sup>&</sup>lt;sup>1</sup> Exterior Insulation Finishing System (EIFS) is a non-load bearing, exterior wall cladding that utilizes rigid insulation boards on the exterior of the wall sheathing with a plaster appearance.





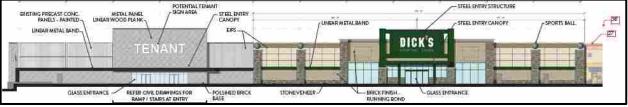


Figure 12: Existing and Proposed East Elevations

The existing eastern sign for Sears is located on a nine foot parapet extending above the roofline. This existing parapet would be refaced with a metal panel plank to allow for a signage area for the future tenant. Additionally, the roofline would be increased with a metal entry structure to reflect the brand and signage of Dick's Sporting Goods.

The existing precast concrete panels would be painted on the south and on the southwest corner of the future tenant space. The glass for the southern entrance would be expanded and the reminder of the southern elevation would be refaced with the metal panel.

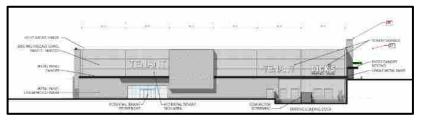


Figure 13: Proposed south elevation

On the west elevation, a large display window and steel sign structure would be incorporated for Dick's Sporting Goods. EIFS, brick, stone and metal panels would be incorporated into the remainder of the elevation.



Figure 14: Proposed west elevation

<u>Interior remodeling:</u> The interior of the space would be reconfigured and remodeled to accommodate the new tenants. If approved, detailed review of these interior spaces would occur at the time of a building permit.

 Proposed signs. The proposal includes a sign package that would allow exterior signage on all three elevations. As proposed, Dick's Sporting Goods would have an eight foot sign on each elevation and the future tenant would be allowed six foot signs.

#### **Staff Analysis**

#### Is the proposed master development plan amendment appropriate?

Yes and no. The master development plan reflects the larger vision for the mall. This plan was a combined effort by the city and the mall property owners to maintain the vitality of the mall as a regional attraction through reinvestment. At the time of adoption, the master development plan also focused on the mall's reorientation from an entirely internally focused mall to a more external focus with improved pedestrian connections. The plan contemplated landscaping improvements throughout the mall site and façade improvements to the mall proper and the northerly anchor tenants (Macy's and Nordstrom). The plan did not contemplate improvements to the J.C. Penney and Sears sites.

Staff continues to support an amendment to incorporate site and building improvements into the master development plan for the former Sears site. However, staff is unable to fully support the amendment request at this time, as there are a number of outstanding items left to be addressed that would improve the cohesiveness of the design with the existing mall. (See additional discussion below.)

## Are the proposed site improvements appropriate?

Generally, yes. The proposed site improvements are appropriate and would generally meet ordinance standards and the guidelines outlined in the <u>Ridgedale Area Public Realm Guidelines</u>. Overall, the site improvements would result in significantly improved site conditions over preexisting conditions. Staff has prepared, and included, a resolution to approve the site improvements noting conditions of approvals to address the following:

- The row of parking on the west side of the pedestrian connection should be flipped so it's directly accessible to vehicles traveling southbound. This would prevent vehicles from having to cross over lanes of traffic when entering and leaving parking stalls. This should be done without decreasing the width of the pedestrian connection.
- 2. The applicant should work with staff to further enhance the pedestrian environment throughout the site. This includes an improved connectivity to the new park at Ridgedale and Ridgedale Drive. Staff suggests that architectural features from the park could be incorporated into the connection to enhance visibility, safety and separation between vehicular and pedestrian traffic.
- 3. The applicant should work with staff to ensure adequate screening of the loading dock and trash facilities. <sup>2</sup>

<sup>&</sup>lt;sup>2</sup> City Code Sec. 300.27, Subd. 20(a)5: trash storage facilities shall be screened from all lot lines and public roads. City Code Sec. 300.27, Subd. 20(a)4: Loading docks shall be screened from all lot lines and public roads.

4. Review of the final landscaping plan should complement plantings in landscaped parking islands west of the site and the Ridgedale Public Realm Guidelines list. Additionally, the landscaping plan must comply with minimum landscaping and mitigation requirements but also include pollinator-friendly species.

## Are the proposed façade improvements appropriate?

No. The Planned I-394 District (PID) outlines strong design standards for buildings within the I-394 corridor due to it being a highly visible regional corridor with high levels of property investments and evolving redevelopment opportunities. Building materials in the planned I-394 district must reflect this property investment and be generally consistent and compatible with the architectural character and aesthetic standards of the district. Acceptable façade materials within the PID district consist of brick, stone, glass, and metal panels. The district allows for a limited use of stucco and EIFS. <sup>3</sup>

As proposed, the total amount of EIFS would be roughly 15 percent. This is generally consistent with the amount of EIFS staff has considered "acceptable" within the planned I-394 district (PID). However, there is very little – if any – existing EIFS at the mall. Staff is concerned about the known durability and sustainability issues with EIFS and how the material will transition to existing mall façade materials. Additionally, staff has identified areas to further reduce the amount of EIFS and improve the cohesiveness of the façade. More information can be found below.

#### Is the proposed sign plan amendment reasonable?

No. Technological updates – such as mobile global positioning navigation systems – have shifted the need for large signs to provide high visibility from major thoroughfares to micro-wayfinding at an internal site level. Staff, and the sign ordinance, acknowledge that signs still provide a crucial role in wayfinding and business identification. The intent of the sign ordinance is to provide a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identifications. Further, the sign ordinance recognizes that certain developments within the city may have unique sign needs that are not acknowledged in the city's traditional ordinance. In these cases, a sign plan is developed to address the unique visibility needs of that development. The Ridgedale Sign Plan was originally approved in 1986. The sign plan has been amended in 1987, 1990, 2013 and 2015 to increase the sign dimensions for the mall-proper and specific anchor tenants. However, the spirit and intent of the plan has remained unchanged and has only allowed exterior signage for the mall-proper, anchor tenants exceeding 100,000 square feet in size and restaurants with exterior access. The sign plan has always prohibited signage for the "other tenants."

<sup>3</sup> City Code Sec. 300.31 Subd. 7(4): Building materials: The Interstate-394 corridor is highly visible regional corridor with high levels of property investments and evolving redevelopment opportunities. Building materials in the planned I-394 district must reflect this property investment and be generally consistent and compatible with the architectural character of the district, which is defined by structures which incorporate façade materials of brick, dimension natural or man-made stone, glass, and architectural-grade metal panels and a limited use of stucco and exterior insulated finishing systems.

<u>Dick's Sporting Goods.</u> As an anchor tenant, staff finds the proposed size of the exterior signs reasonable. However, staff continues to be concerned with the proposed locations of the signs. Specifically, the sign on the east elevation is located above the roofline of the building. This would not be allowed under the sign ordinance.<sup>4</sup> Staff also is concerned with the placement of the loading dock signage on the south elevation.

<u>Future tenants.</u> Under the current sign plan, these tenants would not be allowed exterior wall signage. While the city has granted amendments to the Ridgedale Sign Plan for sign dimensions for anchor and restaurants with exterior access, similar requests by non-anchor tenants have been denied. Staff continues to be concerned that these requests would encourage additional sign plan amendment requests for other tenants at the center that do not currently have exterior wall signage, resulting in a cluttered appearance on the building.

Below are two examples of malls where several tenants – regardless of size and use – are allowed exterior signage.



Figure 16: Burnsville Center, Burnsville, MN



Figure 17: Crossroads Center, St. Cloud, MN

The following is intended to summarize the request and how the city's sign ordinance and the Ridgedale Sign Plan would apply:

		Sf of tenant space	Number of signs per elevation	Max height of sign	Picture
Anchor Tenants	Allowed by ordinance		One per tenant exterior; no more than two signs	Copy: 26- inches Graphic: 36- inches	

<sup>&</sup>lt;sup>4</sup> City Code Sec. 325.05, subd. 4(c): signs may not be mounted on a roof surface and may not project above the roof line of a structure if either attached to the structure or cantilevered over the structure.

				Sign cannot extend beyond roofline		
	Ridgedale Sign plan		One per elevation	8-ft		
	Dick's Sporting Goods	103,650 sf	East: one sign West: one sign South: one sign	8-ft	DIOK S PROFESSION PROBLEM	
	Macy's	288,720 sf	North: one sign	9-ft * 15-ft **		
			East: one sign West: one sign	18-ft * 11-ft **	*mask	
	Nordstrom	138,000 sf	North: one sign East: one sign South: one sign	5-ft	WICH HOME	
	JC Penny	171,155 sf	North: one sign West: one sign South: one sign	7-ft	. Dece	
ınts	Allowed by ordinance		Exterior tenants: one per tenant exterior; no more than two total signs  Interior tenants: no signage	Copy: 26- inches Graphic: 36- inches		
Other tenants	Ridgedale Sign Plan	No signs allowed				
Othe	Tenant A (lower level)	30,700 sf	West: one sign	6-ft	TENANT	
			South: one sign			
	Tenant B (upper level)	35,195 sf	South: one sign	6-ft	OLASS ENTRAINE SAME TITUES A T	

as measured from the top of the apostrophe to the bottom of tail of the "y".

\*\* as measured <u>excluding</u> the apostrophe.

At the council introduction on Dec. 21, 2020, staff was asked whether the signs would be at all visible from I-394. Staff has concluded that the signs would not have any visibility from Plymouth Road or I-394 but notes that there are areas of signage visibility from

Ridgedale Drive.

Signage on the eastern façade is only visible at the entrance to the mall/Ridgedale Center from Ridgedale Drive. For context, the existing Sears sign in Figure 14 is 8-feet in height and is generally located in the area of the proposed 6-foot signage for the future tenant.

Signage on the southern façade is visible only at one point on Ridgedale Drive, otherwise, the façade is heavily screened by existing vegetation. It is likely that the proposed vegetation associated with the pedestrian connection and Ridgedale Drive may further reduce the visibility of this façade.

Signage on the western façade is visible from Ridgedale Drive before the entrance to the mall/Ridgedale Center.
However, visibility of the signage will likely be reduced – or eliminated - after the construction of the new park at Ridgedale. The park will be generally located in the area of the parking lot/drive in the left side of Figure 16.



Figure 18: View of the eastern facade from Ridgedale Drive



Figure 19: View of the southern facade from Ridgedale Drive



Figure 20: View of the western facade from Ridgedale Drive

#### **Staff Comments**

The city has long been excited about the synergy, investment and redevelopment at Ridgedale Center. Staff also is optimistic that Dick's Sporting Goods has chosen to continue their tenure and investment into the community by relocating into a vacant anchor tenant space within the mall.

However, at this time staff is reluctant to recommend full approval. The following is intended to summarize the unresolved concerns:

# East Elevation



Figure 21: Panoramic view

Outstanding Items	Staff Recommendations
Signage	
Dick's Sporting Goods	The sign and associated structure should be lowered so that it does not extend beyond the roofline.
Future tenant	The signage for the future tenant should be removed.



Figure 22: Proposed by applicant

Façade materials: *EIFS* 

Glass

Metal signage panel and adjoining columns

Horizontal metal band

#### Future tenant

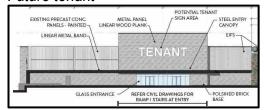


Figure 24: Future tenant east elevation



Figure 23: Staff prepared mock up

The amount of EIFS on the eastern elevation is roughly 19 percent. While this is within what staff would generally find an acceptable amount within the planned I-394 district (PID), staff is concerned that there is very little, if any, EIFS on the existing mall and how any amount of EIFS on the façade would complement the facade of the existing mall.

Staff suggests the applicant increase the amount of glass on either side of the signage goal posts as shown in the staff prepared elevation. This would add visual interest and would provide a unique opportunity for temporary display areas and signage.

The metal sign structure should be lowered to the height of the existing roofline. The stone on the adjoining columns should be pulled upwards to further compliment and blend the metal sign structure.

The horizontal metal band should be brought through to complement the existing horizontal architecture of the mall.

The existing pre-cast panels on the left side of the future tenant sign area will be painted. To ensure a cohesive façade, the EIFS on the right side of the sign area should also be pre-cast.

If the sign area is removed, further consideration to the façade will be needed to improve visual interest.

# South Elevation

Outstanding Items	Staff Recommendations	
Signage Future tenant signage	These signs should be removed.	
Dick's Sporting Goods	The sign should be lowered to below the metal panel to better organize the signage on the building and provide improved wayfinding.	

# West Elevation

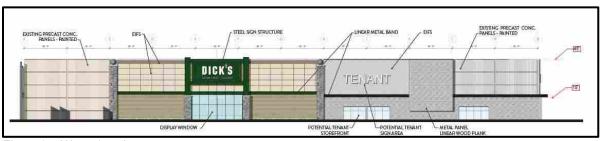


Figure 25: West elevation

Outstanding Items	Staff Recommendations
Future tenant signage	Signage should be removed.
Façade: EIFS	The amount of EIFS should be reduced to less than 20 percent. The conversion of the EIFS in the area of the future tenant sign area to pre-cast would reduce the amount of EIFS and improve cohesiveness on this elevation.
Dick's Sporting Goods glass	Staff typically supports the use of glass whenever possible. However in this instance, the use of glass under the sign structure portrays an entrance rather than the proposed display window. Further consideration should be made to avoid confusion.
Overall symmetry	Minor adjustments to the façade features would improve the symmetry and cohesiveness. For example the height of the metal band for Dick's Sporting Goods should match the band of the future tenant.

Meeting of Jan. 7, 2021 Subject: Dick's Sporting Goods, 12437 Wayzata Blvd Page 16

#### **Staff Recommendation**

Recommend the city council adopt the following for Dick's Sporting Goods and a future tenant at 12437 Wayzata Blvd:

- 1. Resolution denying an amendment to the Ridgedale Center master development plan and building plans.
- 2. Resolution approving the final site plans.
- 3. Resolution denying the sign plan amendment.

Originator: Ashley Cauley, Senior Planner
Through: Loren Gordon, AICP, City Planner

#### **Supporting Information**

**Surrounding**Northerly: Ridgedale Center mall and I-394 beyond **Land Uses**Parking lot, hotel and Crane Lake Preserve

Southerly: Ridgedale Drive, YMCA and the Luxe Apartments Westerly: New Park at Ridgedale and Avidor Apartments

Planning Guide Plan designation: Mixed Use

Zoning: Planned I-394 District (PID)

In 2018, Ridgedale
Center finished
construction on its
rooftop solar panel
installation. It is
anticipated that system
would reduce the mall's
electrical consumption
by about eight percent
equivalent to the gas
emissions of 155
passenger vehicles or



the amount of energy Figure 34: 2020 aerial photography

used by 109 homes in Minnesota.

#### **MDP Standards**

Sustainability

According to City Code 300.31 Subd. 8(f), the planning commission and city council shall base their recommendations and actions regarding approval of a master development plan on a consideration of the following:

1. Compatibility of the proposed plan with this section and the goals, policies and proposals of the comprehensive plan;

Finding: The 2030 comprehensive guide plan identifies the Ridgedale Center mall as a one of three regional areas, which draw people from all over the region. The city is committed to maintaining and improving the economic strength, the cohesive design and architectural qualities of these developments. The guide plan includes several development strategies to provide a more pedestrian-scaled transition between the public and residential areas of the mall through redevelopment, by: (1) incorporating natural features; and (2) sidewalks/trails to enhance pedestrian access to Ridgedale Center mall and surrounding areas to create a pedestrian-friendly and cohesive area. The proposal would result in increased pedestrian movement through the site, however, conditions of approval have been included to further implement these development strategies.

2. Effect of the proposed plan on the neighborhood in which it is to be located;

**Finding:** The plan would result in the redevelopment of a currently vacant and under-utilized tenant space. However, staff is concerned with the lack of architectural façade cohesiveness.

3. Internal organization and adequacy of various uses or densities, circulation and parking facilities, public facilities, recreation areas, open spaces, screening and landscaping;

**Finding:** The amendment would improve pedestrian and vehicular circulation through the site and would introduce connections to public improvements, such as the new park and Ridgedale Drive.

4. Consistency with the standards of section 300.27 pertaining to site and building plan review;

**Finding:** Site and building plan standards and staff's findings are below.

5. Accommodation of the traffic associated with a proposed development on the public road system within service level goals as stated in this section and in the comprehensive guide plan; and

**Finding:** While the proposal would result in an increase over existing conditions, the proposed amendment would not result in a significant increase amount of demand on the public road system anticipated generation for the mall and its tenants.

6. Such other factors as the planning commission or city council deem relevant.

**Finding:** At the city council's introduction, the council expressed concern related to the proposed signage and façade treatments. Those items are addressed in the site and building and sign plan sections of this report.

#### **SBP Standards**

While site plans elements of the proposal would comply with site standards as outlined in City Code 300.27 Subd.5, building elements would not.

1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;

**Finding:** The site improvements have been reviewed by the city's planning, building, engineering, natural resources, fire and public works staff. Staff finds the site improvements to be generally consistent with the city's development guides.

2. Consistency with this ordinance;

**Finding:** The site improvements are generally consistent with the ordinance. As such, staff is recommending approval of the site plans. However, the building façade and signage are not consistent with the ordinance and staff is unable to recommend approval of these plans at this time.

3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;

**Finding:** The proposal includes areas of repair and replacement for a majority of the parking lot surface. Visually these improvements would not significantly change the site, however, would result in a significant improvement over existing conditions. The proposal would also increase the amount of landscaping onsite.

4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;

**Finding:** The proposal includes a pedestrian connection between Ridgedale Drive/new park at Ridgedale improvements and the mall. Staff has included conditions of approval to further improve the connection, but overall finds the connection to be an improvement over existing conditions.

- 5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:
  - a) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;
  - b) the amount and location of open space and landscaping;
  - materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
  - d) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of

pedestrian and vehicular traffic and arrangement and amount of parking.

**Finding:** Proposed stormwater facilities, landscaping and pedestrian connections would result in an improved circulation and conditions onsite. Staff has included a condition of approval to improve the safety of vehicular circulation.

Staff has concerns related to the materials, textures and details of the building facades. As such, staff is recommending approval of the site improvements and denial of the building plans.

 Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and

**Finding:** The proposal would require a building permit and would be required to meet minimum energy standards.

 Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

**Finding:** The site improvements would result in an improvement over existing conditions and would not negatively impact neighboring land uses.

#### Sign Plan Standards

The proposed signage would not comply with the sign plan standards as outlined in City Code §325.06:

 The development includes a high rise (greater than 3-story) structure:

**Finding:** The proposed site is not considered a high rise but is governed by the Ridgedale Sign Plan.

2. The development includes multiple structures and/or substantial site area;

**Finding:** The proposal is part of the larger Ridgedale Center mall development, which includes multiple structures and a substantial site area.

3. The development includes mixed uses:

**Finding:** The proposed site is part of the Ridgedale Center mall, which includes a variety of uses and building scales.

 A sign plan is unique adapted to address the visibility needs of a development while remaining consistent with the intent of this section to direct high quality signage; and

**Finding:** The Ridgedale Center mall sign plan was adopted to accommodate the higher visibility needs of the anchor tenants and restaurants with exterior façades. Staff does not find that the visibility needs of the future tenants – which are not considered anchor tenants – requires the same amount wayfinding needs.

The sign plan includes permanent sign covenants which can be enforced by the city.

**Finding:** If approved, the proposed signage on the plans would establish the placement, size and scale of the signs for the building.

If denied, the proposal would be allowed the following:

- Dick's Sporting Goods would be allowed signage, of the proposed size but below the roofline, on the east and west elevations. The sign on the south elevation would not be allowed.
- The future tenant spaces would not be allowed exterior signs of any size unless occupied by a restaurant with an exterior entrance.

#### **Natural Resources**

Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance of a temporary rock driveway, erosion control, and tree protection fencing. As a condition of approval the applicant must submit a construction management plan detailing these management practices.

#### **Purview**

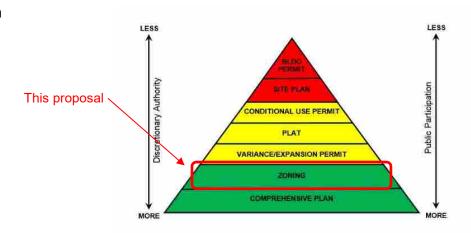
The planning commission is tasked with making a recommendation to the city council on the proposed master development plan, site and building plans and sign plan. Based on the standards outlined in the zoning ordinance, which is the purview of the planning commission, this means the commission should consider whether:

- The proposal is or is not generally consistent with the previously approved master development plan.
- The plans meet or do not meet the site and building plan standards, which are outlined in following section of this report.
- The proposed sign plan amendment is or is not generally consistent with the previously approved sign plan.

Things that are outside of the purview of the planning commission and should not, therefore, influence the commission's recommendations are:

- Building and fire code requirements. The city's building official, fire marshal, and various trade officials, electrical, plumbing, and mechanical – are responsible for ensuring compliance with the Minnesota State Building Code and Fire Code.
- Accessibility requirements. The city's building official and engineering departments are responsible for ensuring compliance with the state and federal ADA code requirements.

#### **Pyramid of Discretion**



#### **Motion Options**

The planning commission has three options:

- 1) Concur with the staff recommendation. In this case a motion should be made to adopt the resolution approving the site plans and denying the building plans, master development plan and sign plan amendments.
- 2) Disagree with staff's recommendation. In this case, a motion should be made directing staff to prepare a resolution to approve or deny specific sections of the proposal. This motion should include findings for each change.
- 3) Table the proposal. In this case, a motion should be made to table the item. The motion should include a statement as to why the proposal is being tabled with direction to staff, the applicant, or both.

#### Appeals

Any person aggrieved by the planning commission's decision regarding the requested variances may appeal such decision to the

city council. A written appeal must be submitted to the planning staff

within ten days of the date of the decision.

Neighborhood Comments The city sent notices to 137 area property owners and received one comment. That comment is attached to this report.

Deadline for Decision

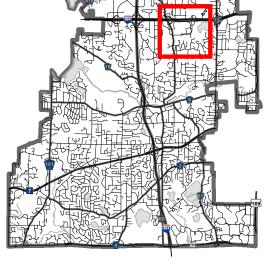
March 8, 2021



# **Location Map**

Project:Dick's Sporting Goods Address: 12437 Wayzata Blvd





# RIDGEDALE CENTER | PROJECT STATEMENT

November 17, 2020

Loren Gordon City Planner City of Minnetonka 14600 Minnetonka Blvd Minnetonka, MN 55345

RE: Ridgedale Center - Sears Redevelopment - Written Statement

Dear Loren:

Brookfield Properties is pleased to put forward a submittal for the redevelopment of the former Sears building at Ridgedale Center. Our redevelopment envisions subdividing the Sears building into multiple tenant spaces with Dick's Sporting Goods serving as the anchor tenant attached to the mall in a two-level store.

In order to maintain Ridgedale Center as a first-class shopping destination in Minnetonka, Brookfield Properties intends to renovate the outdated and vacant Sears building by creating multiple exterior storefronts that are architecturally harmonious with Ridgedale Center. As a result of needing to divide the building into multiple tenant spaces, we are requesting an amendment to the 2015 Ridgedale Mall Sign Plan to allow for multiple exterior signs on the former Sears building. The proposed signs for the building are consistent with the rules and standards the City approved in the 2015 sign plan.

Through a collaborative process with City staff, we believe we have landed on a redevelopment plan that compliments not only our prior investments in Ridgedale Center, but also the improvements made by the City of Minnetonka surrounding the property.

At the end of this letter is the full legal description for the Brookfield Properties Retail Parcel. Attachments include: Civil/Landscape plans, Survey, Drainage Report, SWPPP, Architectural Plans, Elevations, Proposed Signage Information, and Renderings of the proposed project.

Sincerely,

James Varsamis

Vice President – Development Brookfield Properties Retail

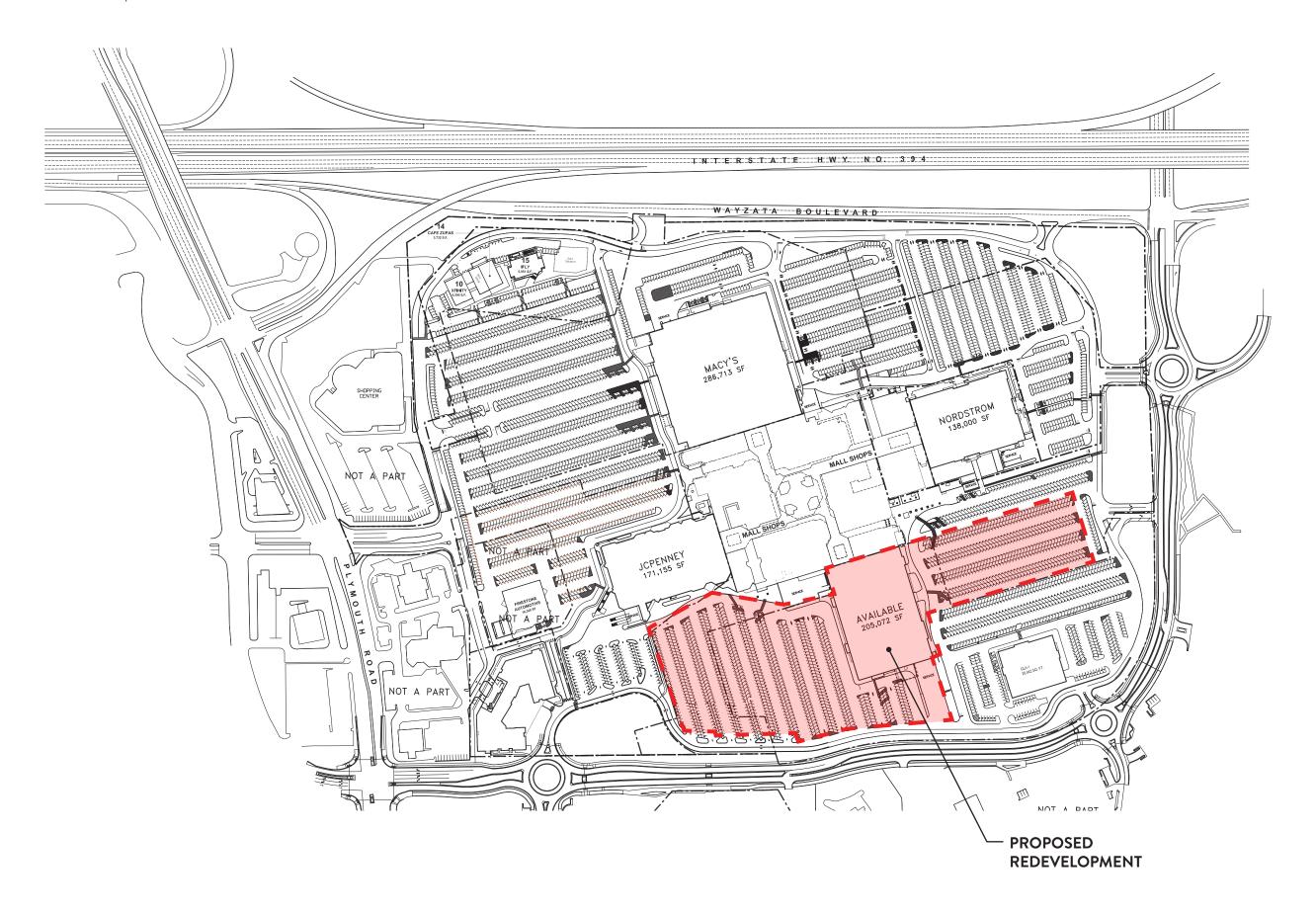
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# RIDGEDALE CENTER | LEGAL DESCRIPTION

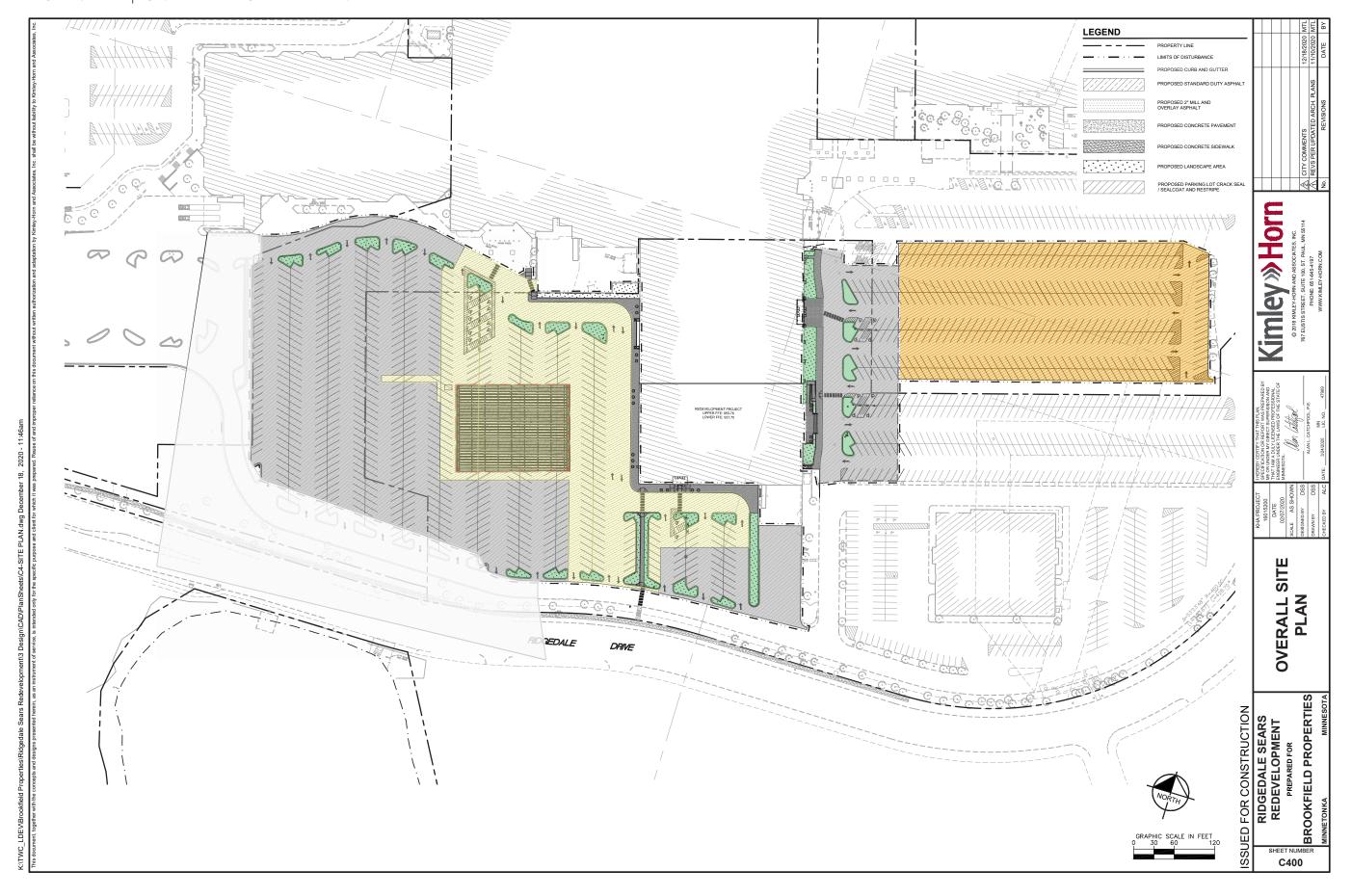
# Ridgedale TRS Sub LLC/Brookfield Properties - Legal Description:

Part of Lot 2, Block 1, Ridgedale Center Third Addition, and part of Lot 3, Block 1, Ridgedale Center Tenth Addition, according to the recorded plats thereof, Hennepin County, Minnesota.

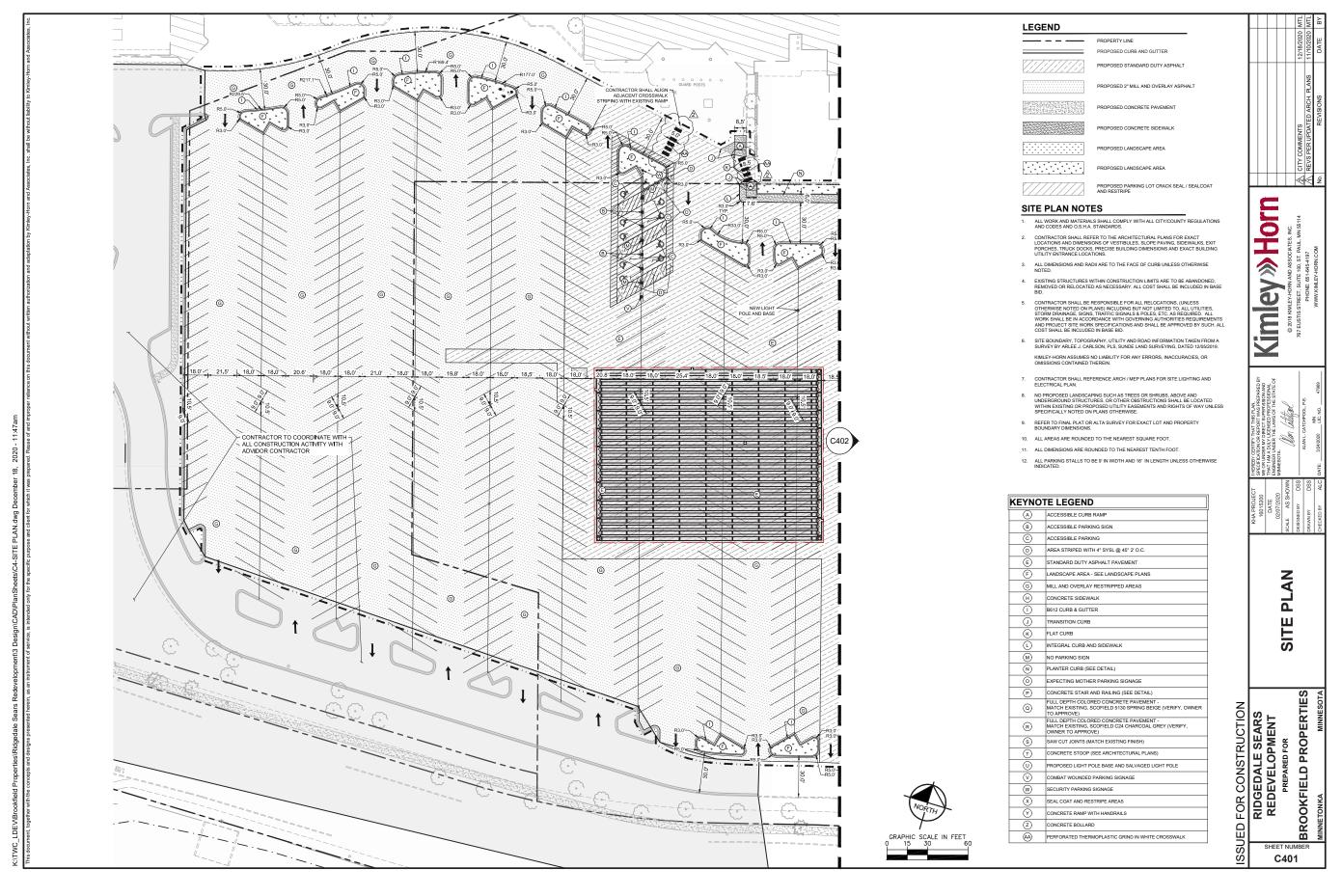
# RIDGEDALE CENTER | OVERALL SITE PLAN



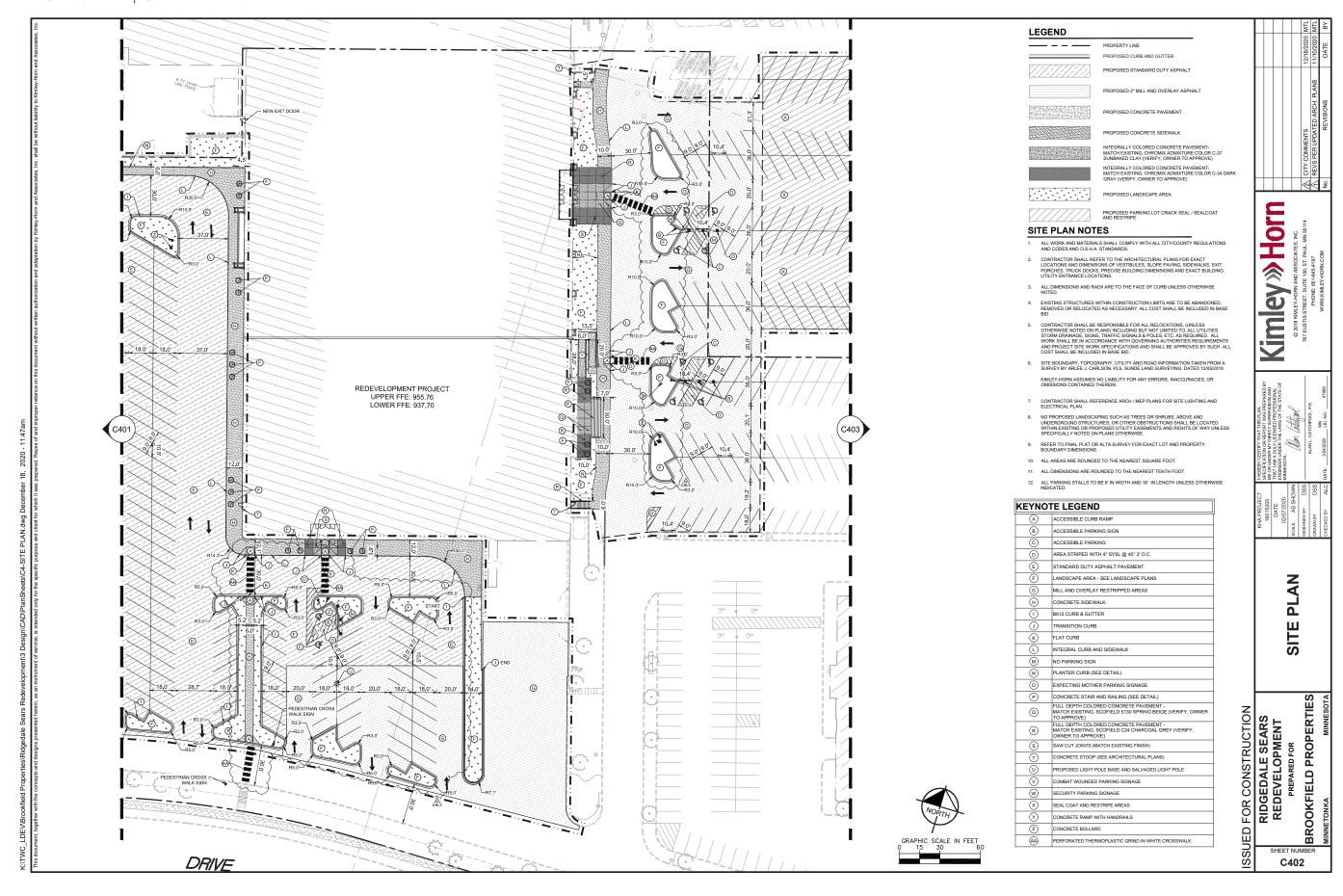
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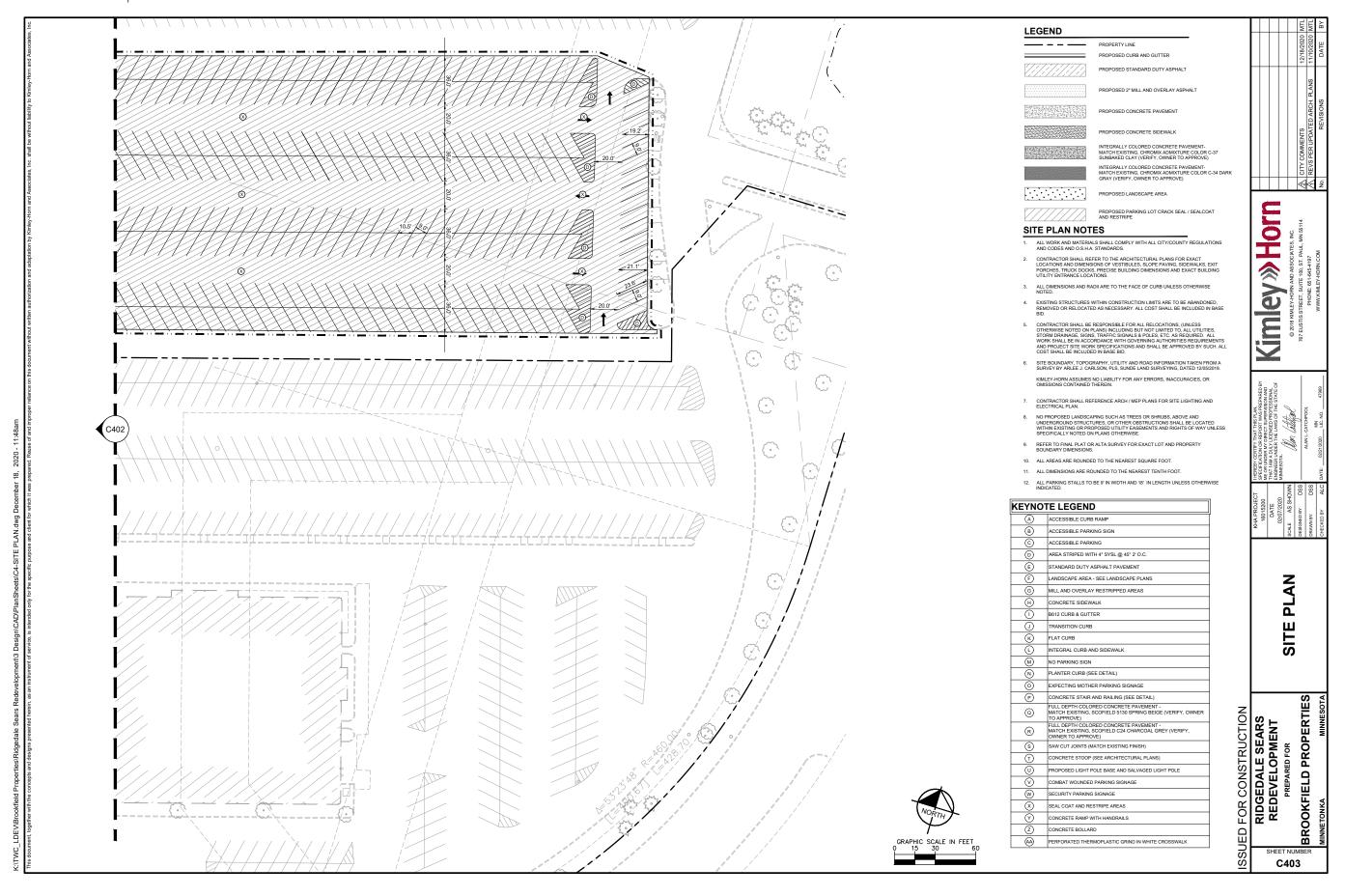
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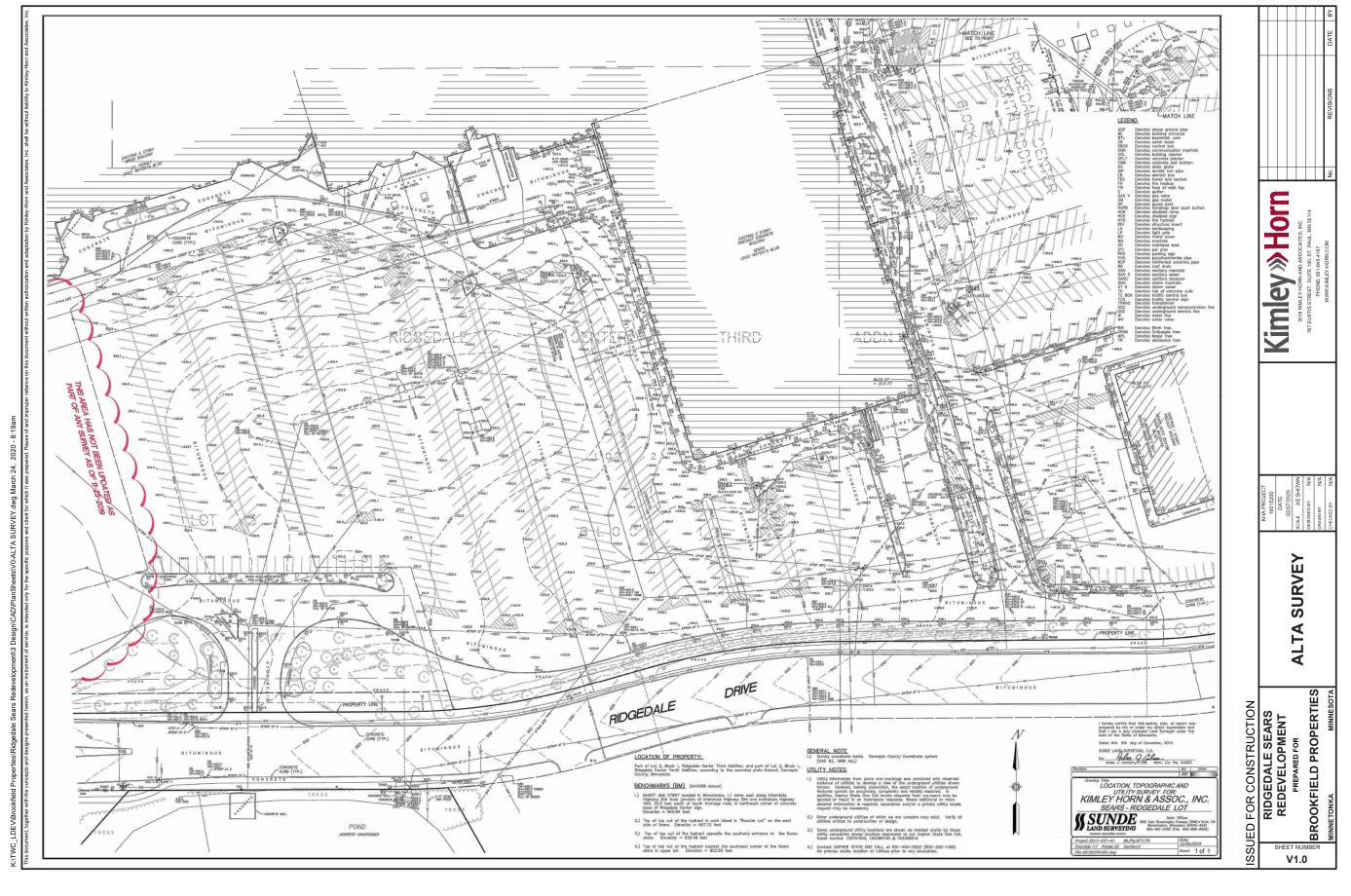
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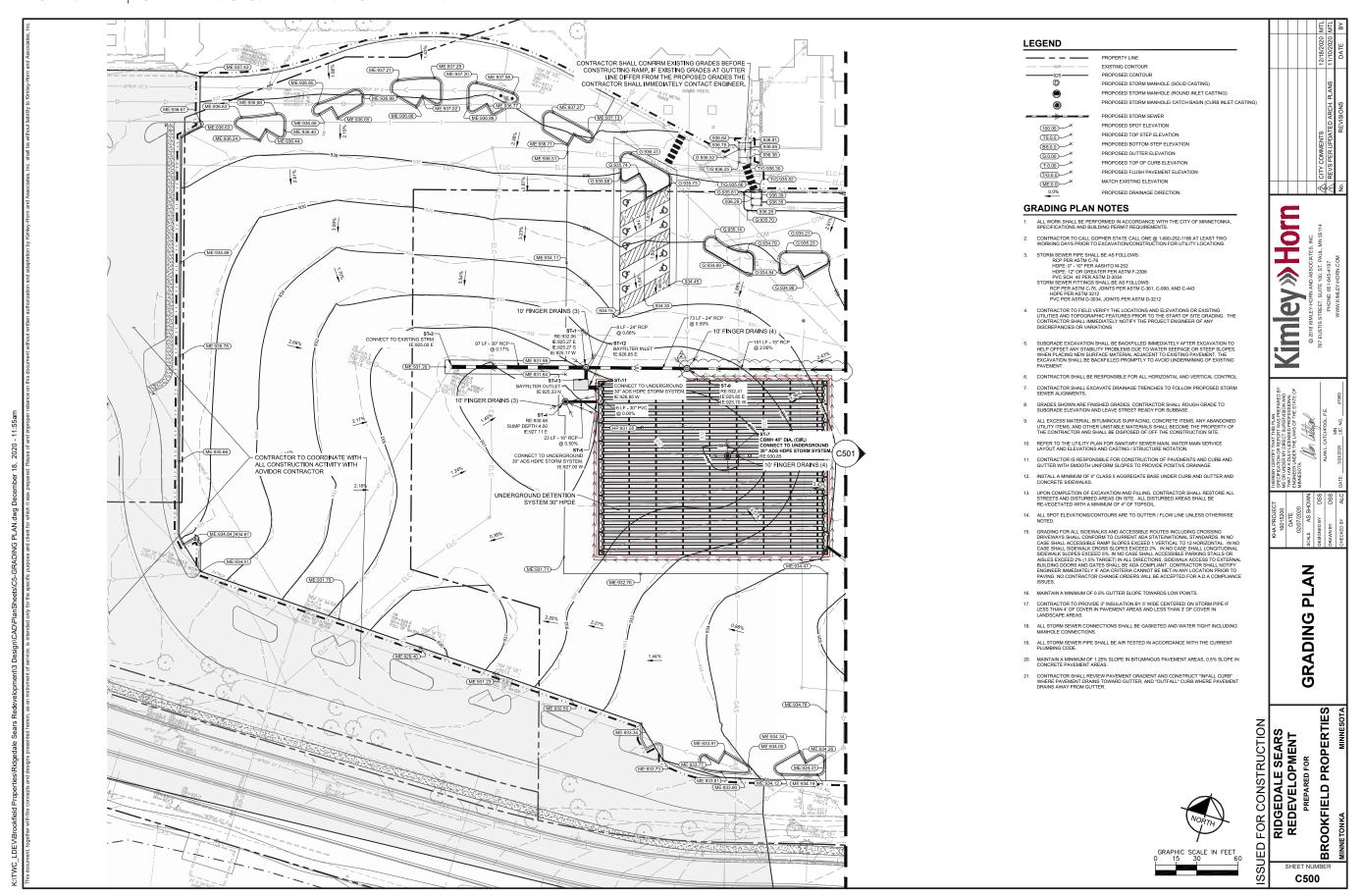
### RIDGEDALE CENTER | SITE PLAN



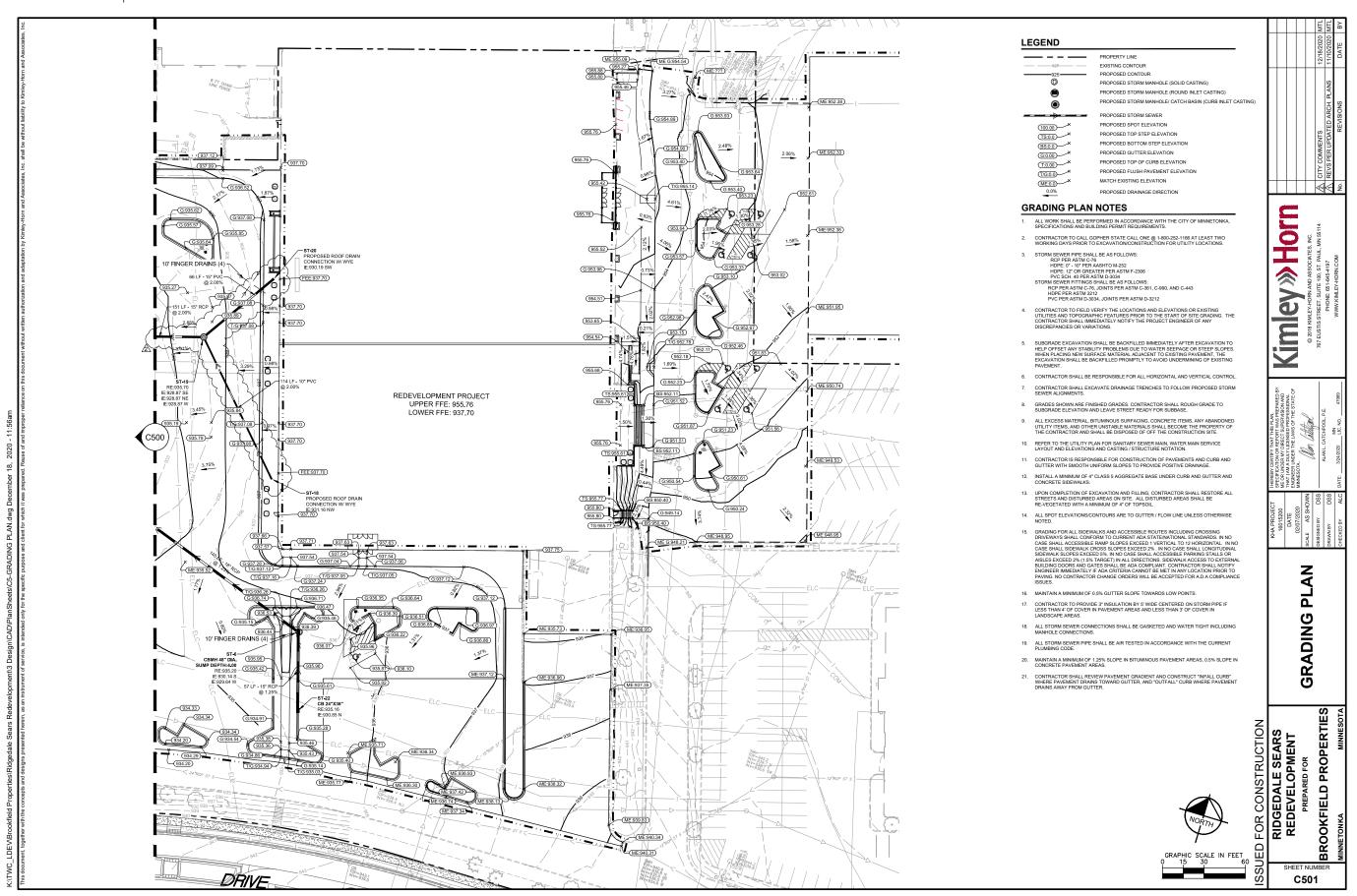
### RIDGEDALE CENTER | SURVEY



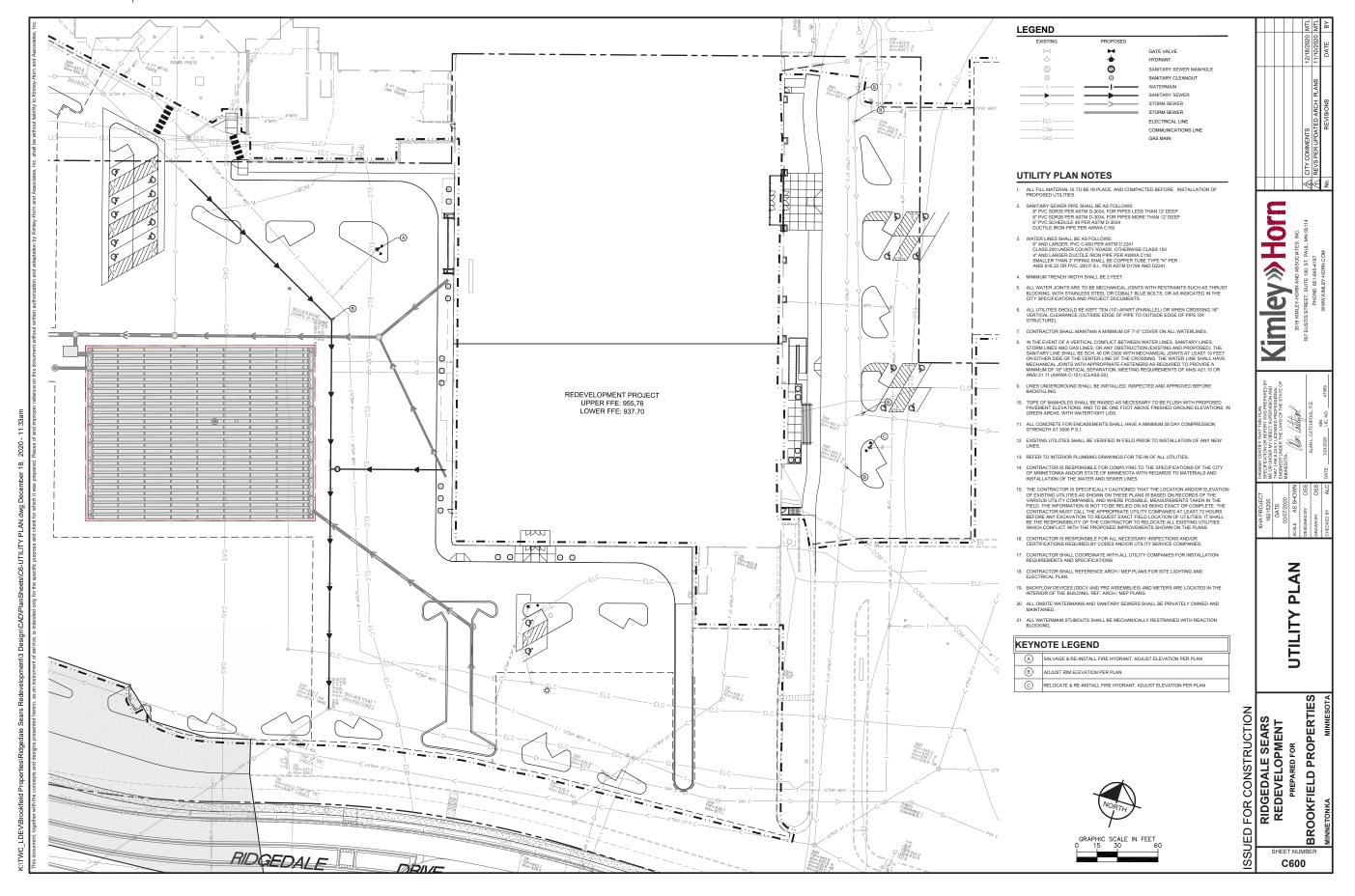
#### RIDGEDALE CENTER | GRADING & DRAINAGE PLAN



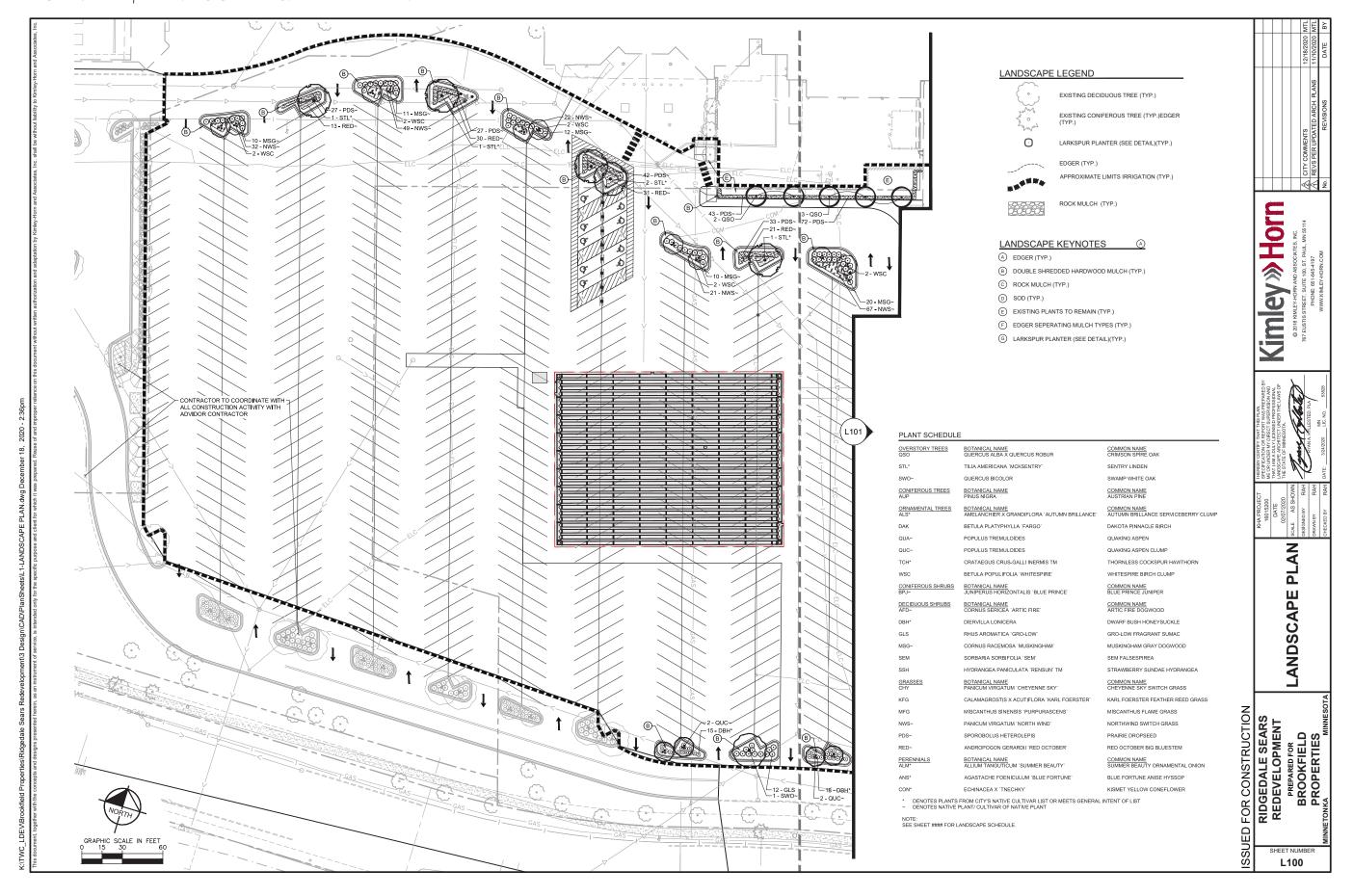
### RIDGEDALE CENTER | GRADING & DRAINAGE PLAN



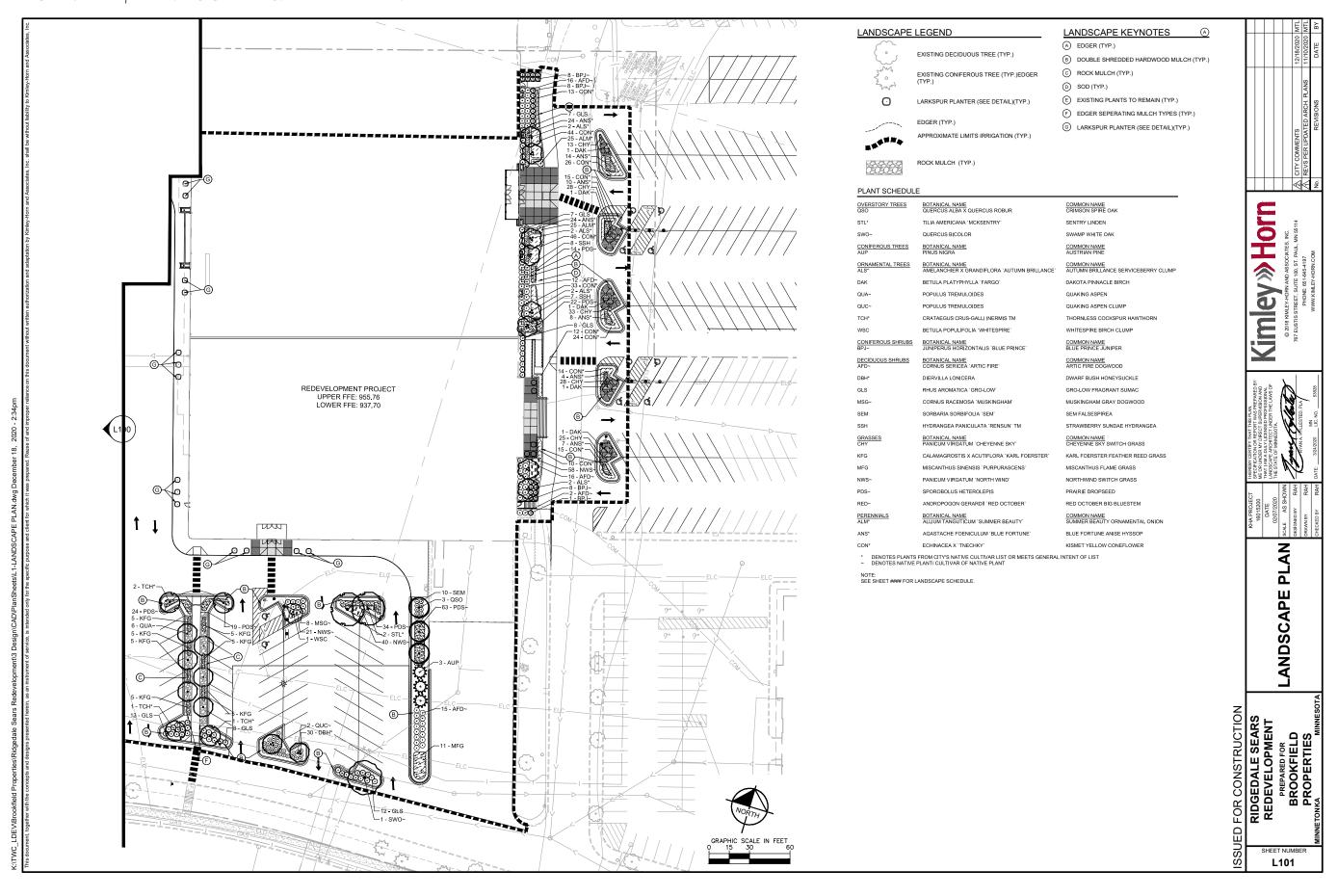
### RIDGEDALE CENTER | SITE UTILITY PLAN

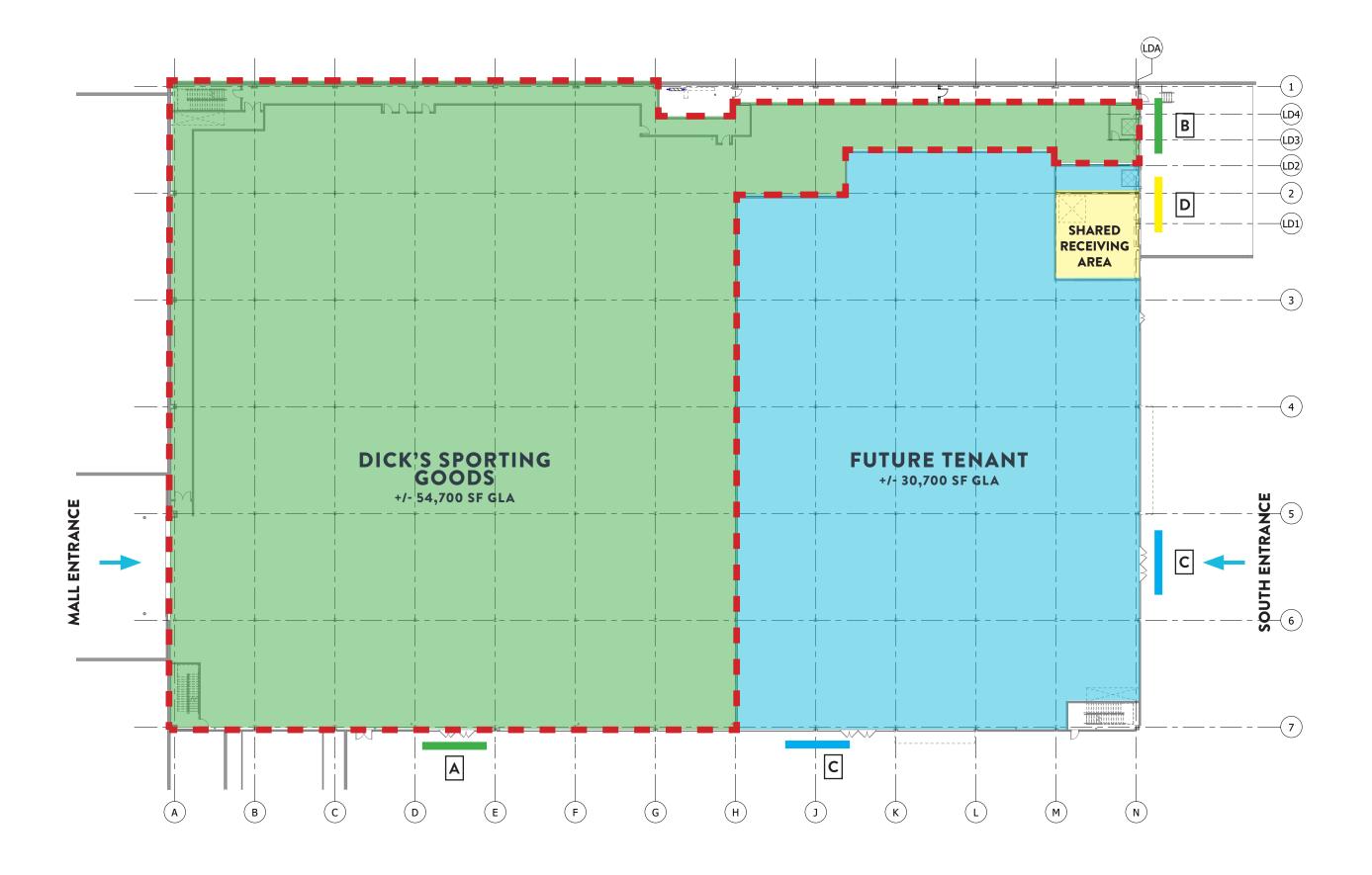


### RIDGEDALE CENTER | LANDSCAPE & TREE PLAN

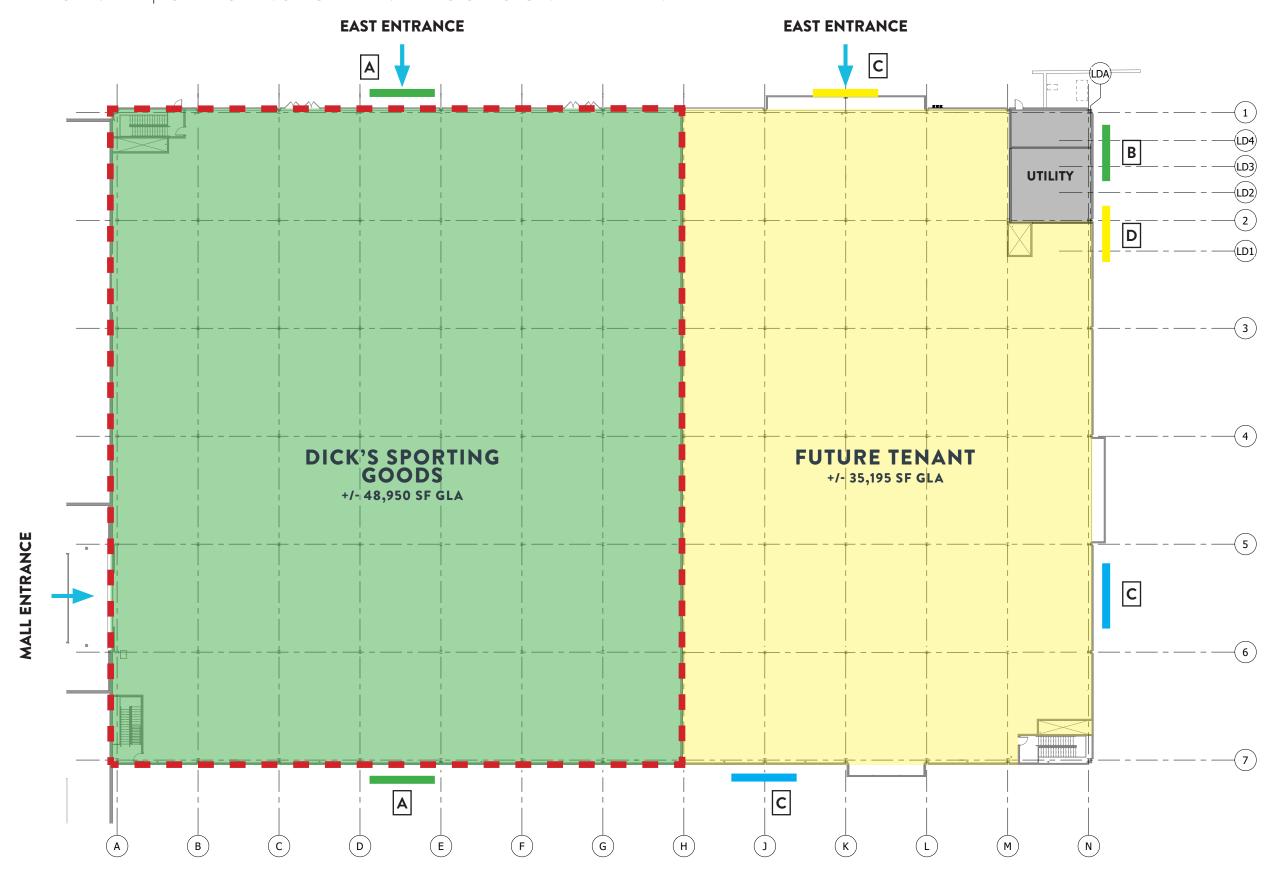


### RIDGEDALE CENTER | LANDSCAPE & TREE PLAN



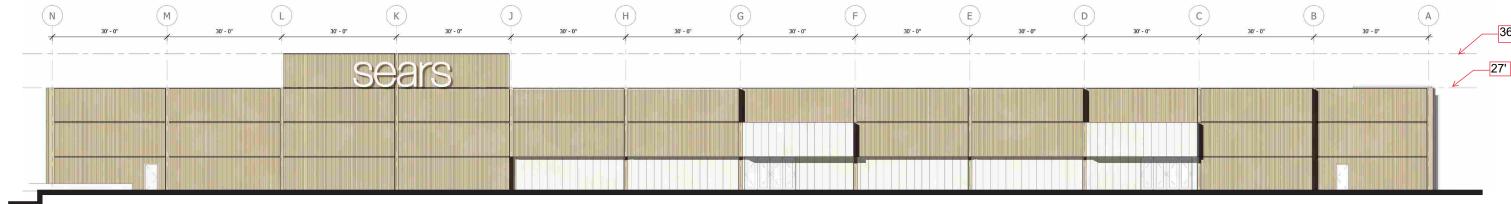


### RIDGEDALE CENTER | SEARS ANCHOR - 2ND FLOOR SIGN KEY PLAN



### RIDGEDALE CENTER | EAST ELEVATION





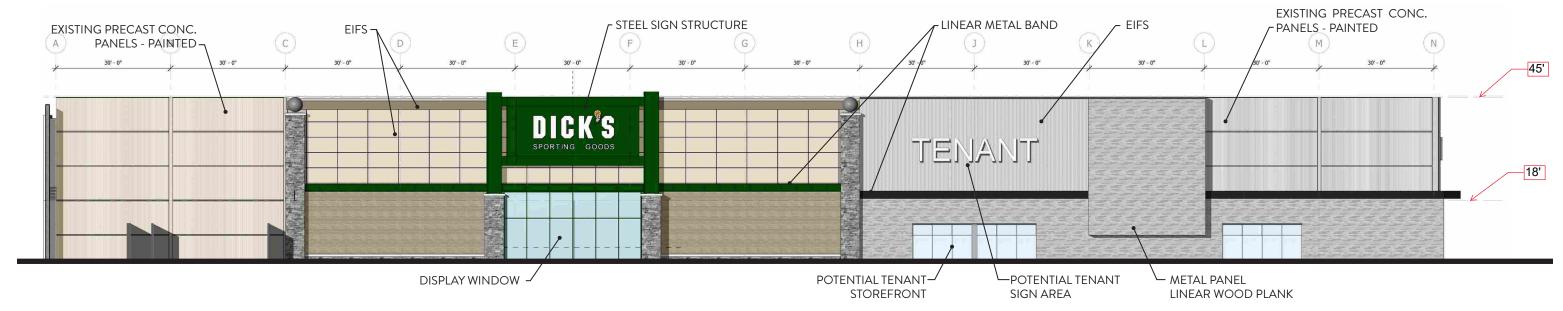
#### **EXISTING EAST ELEVATION**

#### FINISH MATERIAL TAKEOFF

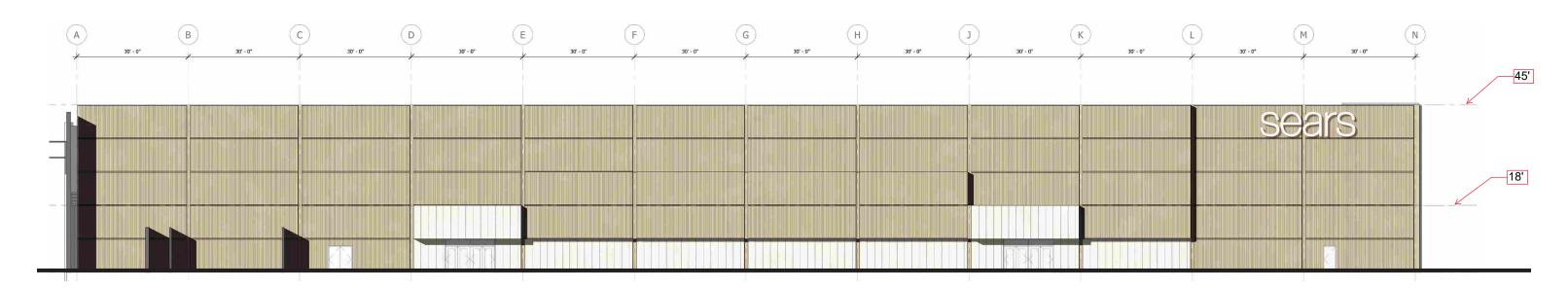
#### TOTAL ELEVATION AREA = +/- 10,615 SF

- METAL PANEL = +/- 2,290 SF	(22%
- EIFS = +/- 1,975 SF	(19%)
- BRICK = +/- 1,375 SF	(13%)
- STONE = +/- 1,275 SF	(12%)
- GLASS = +/- 1,260 SF	(12%)
- EXISTING PRECAST = +/- 960 SF	(9%)
- DSG GOALPOSTS = +/- 830 SF	(8%)
- METAL TRIM = +/- 520 SF	(5%)

### RIDGEDALE CENTER | WEST ELEVATION



#### PROPOSED WEST ELEVATION



#### **EXISTING WEST ELEVATION**

#### FINISH MATERIAL TAKEOFF

#### TOTAL ELEVATION AREA = +/- 15,850 SF

- EXISTING PRECAST = +/- 4,050 SF	(26%
- EIFS = +/- 3,760 SF	(24%
- METAL PANEL = +/- 2,945 SF	(19%)
- BRICK = +/- 1,565 SF	(10%)
- GLASS = +/- 1,165 SF	(7%)
- STONE = +/- 955 SF	(6%)
- DSG GOALPOSTS = +/- 830 SF	(5%)
- METAL TRIM = +/- 456 SF	(3%)

### RIDGEDALE CENTER | SOUTH ELEVATION



# RIDGEDALE CENTER | PANORAMIC VIEW



# RIDGEDALE CENTER | PANORAMIC VIEW



# RIDGEDALE CENTER | NORTHEAST PERSPECTIVE



# RIDGEDALE CENTER | SOUTHEAST PERSPECTIVE



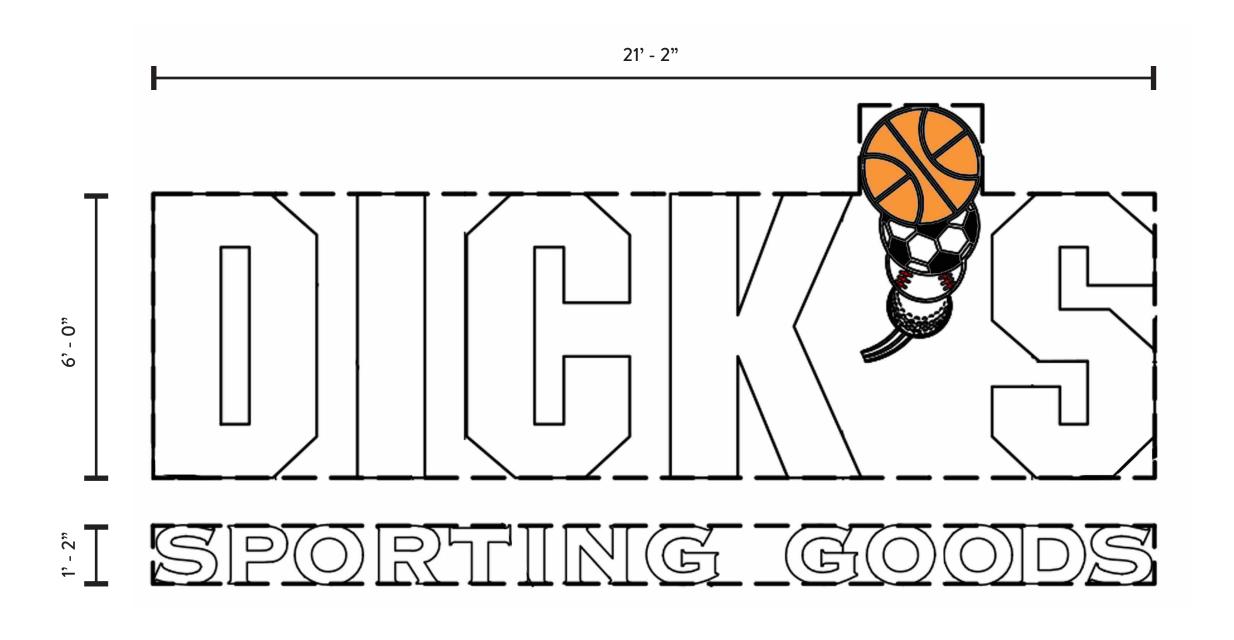
# RIDGEDALE CENTER | SOUTHWEST PERSPECTIVE



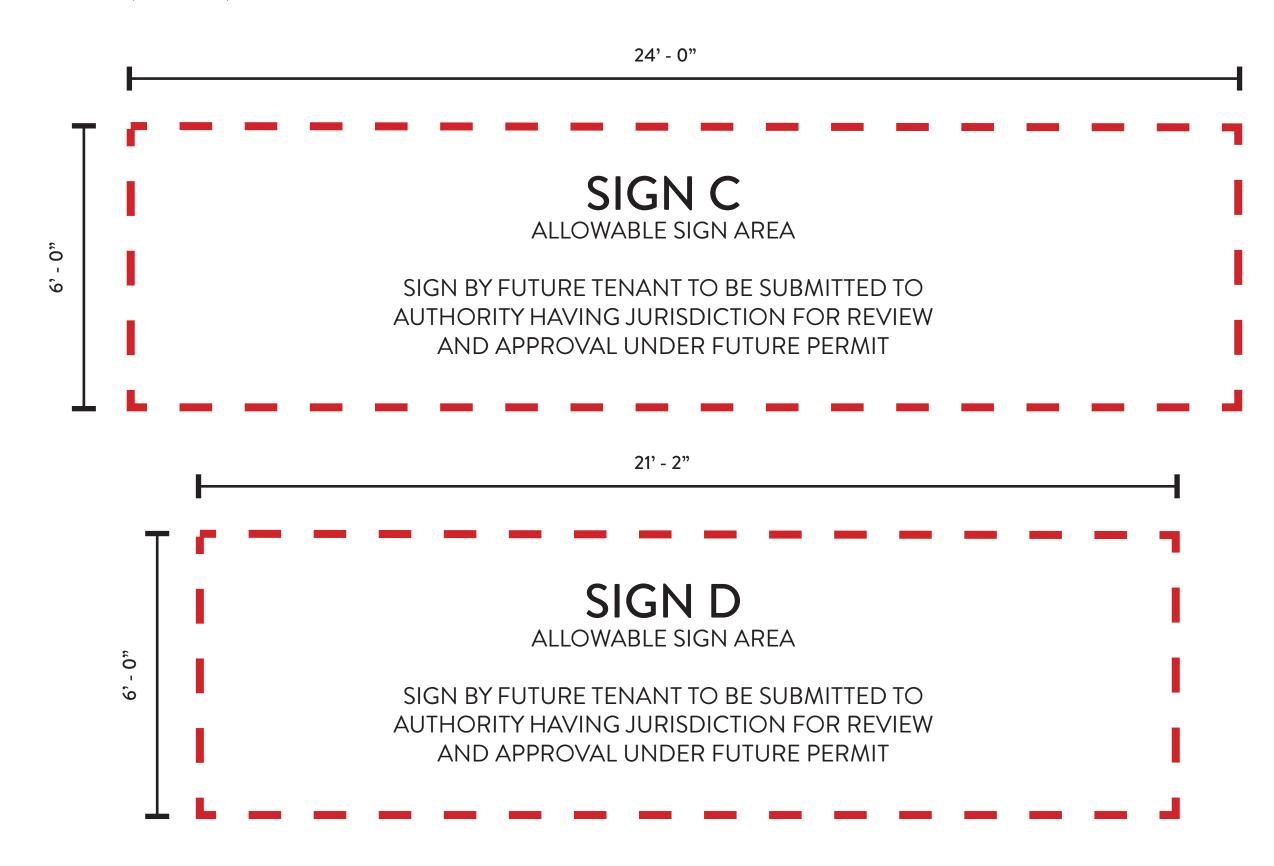
### RIDGEDALE CENTER | PROPOSED MINOR AMENDMENT TO THE 2015 SIGNAGE PLAN

### Multi-Tenant Building Configuration for Sears Redevelopment

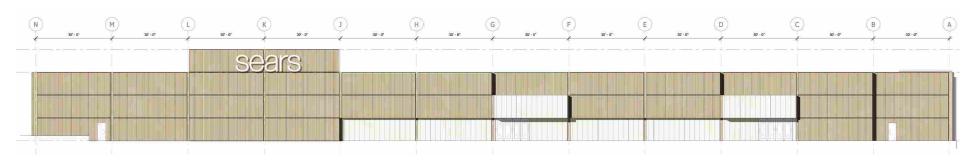
- Maximum of (1) one wall sign per tenant leasable frontage.
- The total height of the sign must not exceed 8'-0".
- The total length of the sign must not exceed 75% of the lineal wall frontage of the primary facade to which it is affixed.
- Canopy mounted signage is acceptable.
- Maximum of (1) one wall sign per tenant over loading dock for potential customer fulfillment.







### RIDGEDALE CENTER | DESIGN EVOLUTION



**EXISTING EAST ELEVATION** 



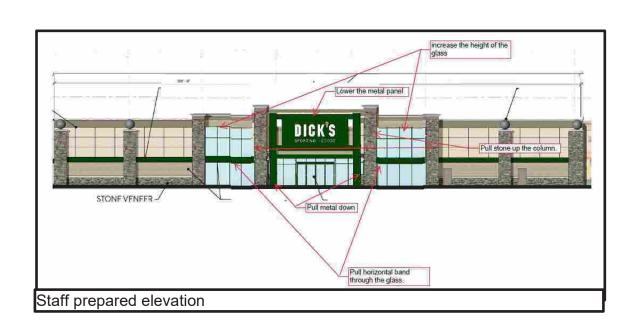
FEBRUARY 3, 2020 - ORIGINAL ZONING SUBMISSION



APRIL 17, 2020 - REVISED ZONING SUBMISSION

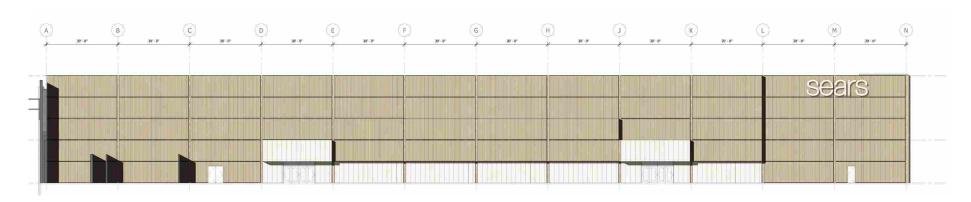


NOVEMBER 17, 2020 - FINAL DESIGN SUBMISSION



**DECEMBER 2, 2020 ADDITIONAL CITY COMMENTS** 

### RIDGEDALE CENTER | DESIGN EVOLUTION



**EXISTING WEST ELEVATION** 



FEBRUARY 3, 2020 - ORIGINAL ZONING SUBMISSION

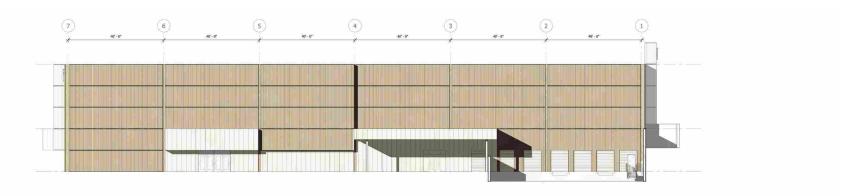


APRIL 17, 2020 - REVISED ZONING SUBMISSION

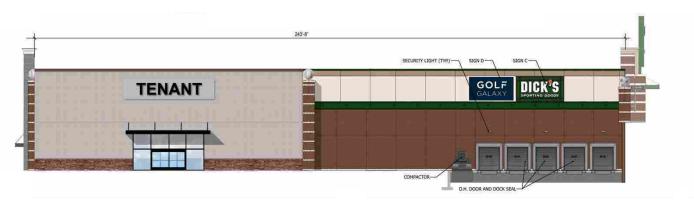


NOVEMBER 17, 2020 - FINAL DESIGN SUBMISSION

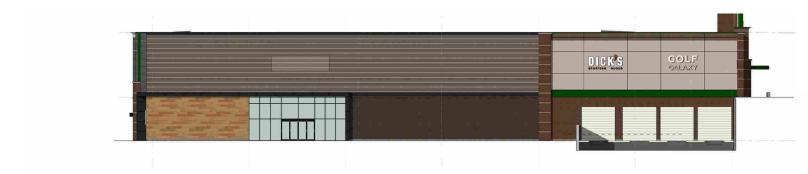
### RIDGEDALE CENTER | DESIGN EVOLUTION



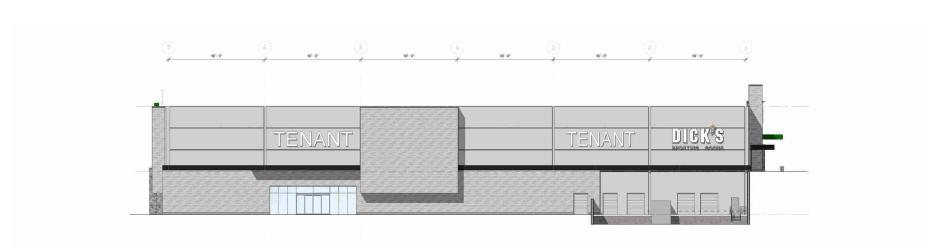
**EXISTING SOUTH ELEVATION** 



FEBRUARY 3, 2020 - ORIGINAL ZONING SUBMISSION

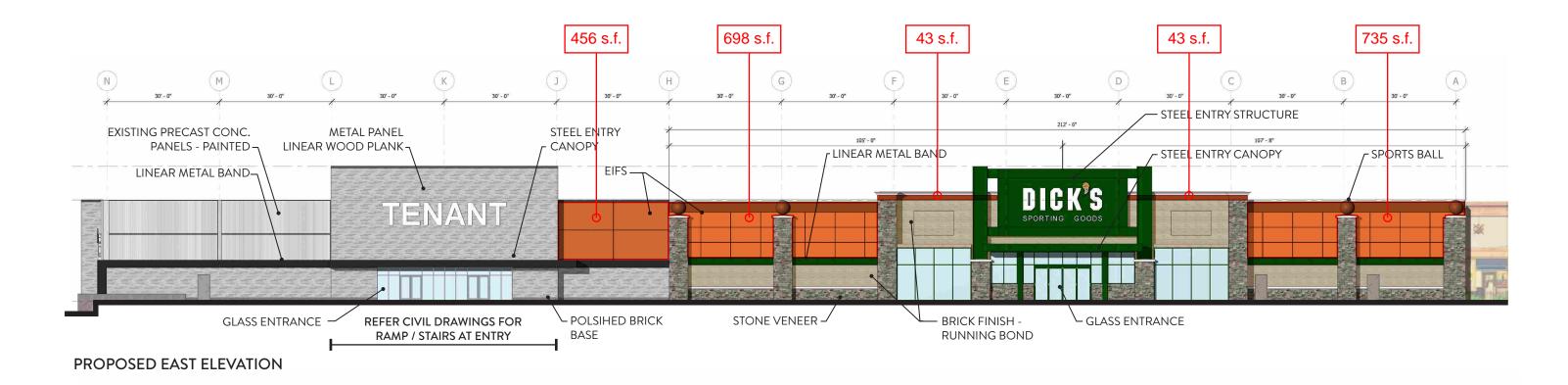


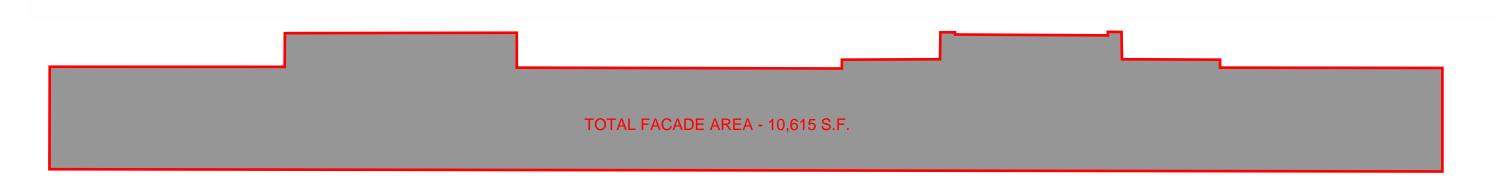
APRIL 17, 2020 - REVISED ZONING SUBMISSION



NOVEMBER 17, 2020 - FINAL DESIGN SUBMISSION

### RIDGEDALE CENTER | EIFS CALCULATIONS



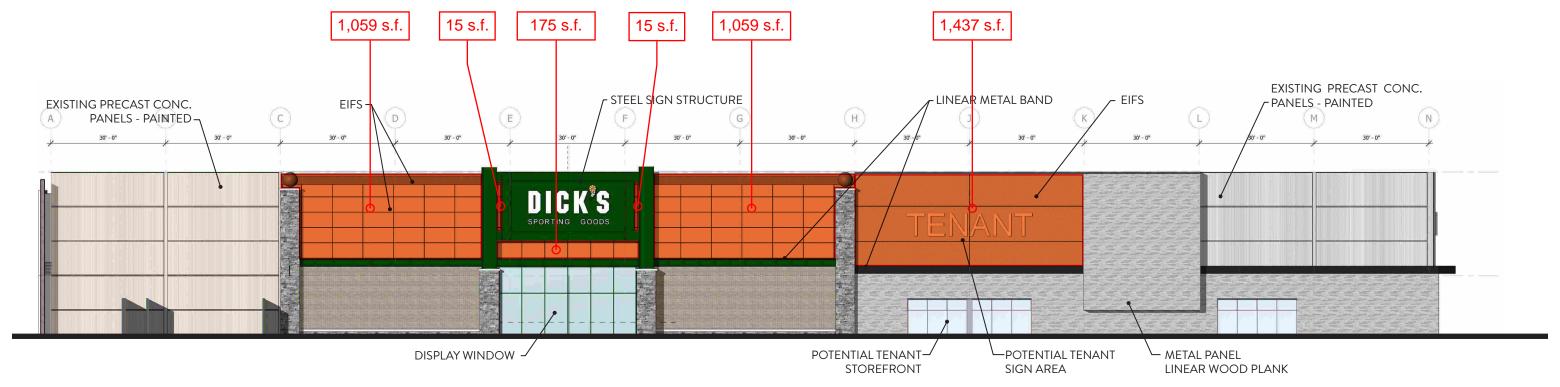


#### FINISH MATERIAL TAKEOFF

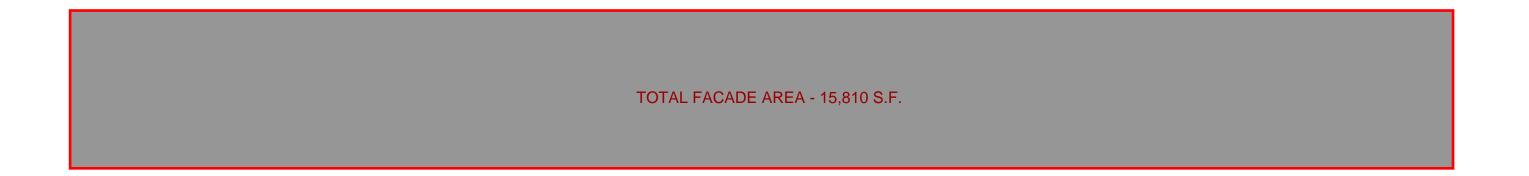
#### TOTAL ELEVATION AREA = +/- 10,615 SF

101712 222 77 110117 11127 2 7 10,010	٠.
- METAL PANEL = +/- 2,290 SF	(22%
- EIFS = +/- 1,975 SF	(19%)
- BRICK = +/- 1,375 SF	(13%)
- STONE = +/- 1,275 SF	(12%)
- GLASS = +/- 1,260 SF	(12%)
- EXISTING PRECAST = +/- 960 SF	(9%)
- DSG GOALPOSTS = +/- 830 SF	(8%)
- METAL TRIM = +/- 520 SF	(5%)

### RIDGEDALE CENTER | EIFS CALCULATIONS



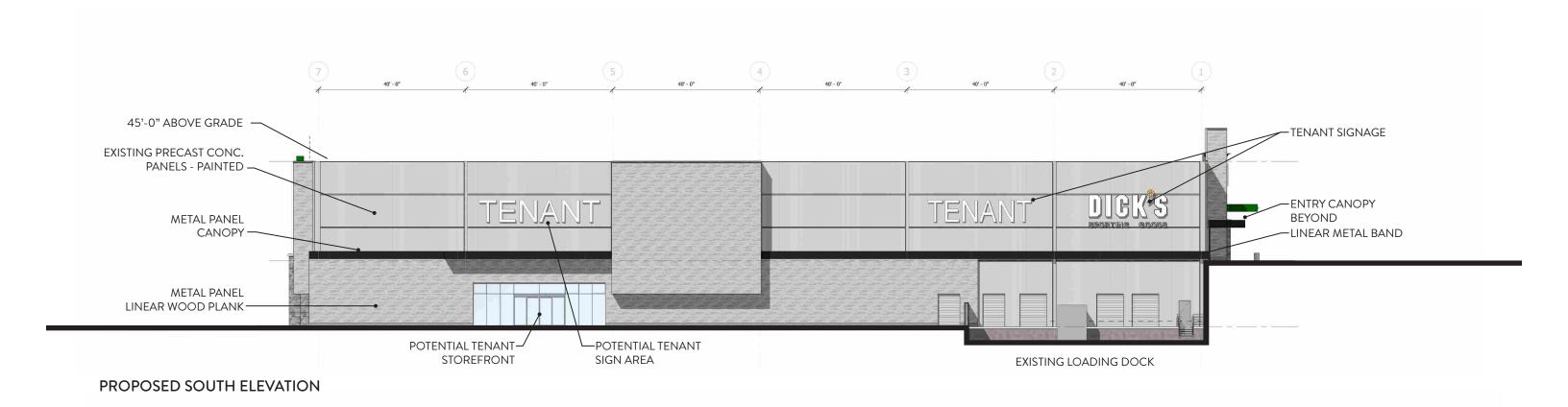
#### PROPOSED WEST ELEVATION



#### FINISH MATERIAL TAKEOFF

T	OTAL ELEVATION AREA = +/- 15,850 \$	iF
	- EXISTING PRECAST = +/- 4,050 SF	(269
	- EIFS = +/- 3,760 SF	(249
	- METAL PANEL = +/- 2,945 SF	(19%
	- BRICK = +/- 1,565 SF	(10%
	- GLASS = +/- 1,165 SF	(7%)
	- STONE = +/- 955 SF	(6%)
	- DSG GOALPOSTS = +/- 830 SF	(5%)
	- METAL TRIM = +/- 456 SF	(3%)

### RIDGEDALE CENTER | EIFS CALCULATIONS



**NO EIFS PRESENT** 

#### FINISH MATERIAL TAKEOFF

#### TOTAL ELEVATION AREA = +/- 10,760 SF

- EXISTING PRECAST = +/- 5,630 SF	(52%
- METAL PANEL = +/- 3,690 SF	(34%
- GLASS = +/- 420 SF	(4%)
- METAL TRIM = +/- 400 SF	(4%)
- BRICK = +/- 150 SF	(1%)
- OTHER (DOORS) = +/- 470 SF	(5%)

Resolution No. 2015-061

Page 3

#### **EXHIBIT A**

#### RIDGEDALE SIGN PLAN

Exterior signs for Ridgedale Center must meet all of the requirements of the city's sign ordinance, except for the following:

- 1. The mall is allowed exterior signs according to the following standards:
  - a) The signs must not exceed the following number, height, and size:

	Quantity (max.)	Height (max.)	Copy and graphic area (max.)
pylon sign	1	85 ft.	480 sq. ft.
monument signs	4	8 ft.	40 sq. ft.
directional signs	9	8 ft.	20 sq. ft.
entrance towers	4	N/A	225 sq. ft.

- b) There may be no additional freestanding or pylon signs than identified above. All freestanding signs must include the name of the shopping center only, and must not include individual tenant identification. Directional signs must include only directional messages.
- 2. Anchor department stores that exceed 100,000 square feet in size are allowed exterior signs according to the following standards:
  - a) Maximum of one wall sign per exterior elevation.
  - b) The total height of the sign must not exceed 8 feet.
  - c) The total length of the sign must not exceed 25% of the lineal footage of the surface to which it is affixed.
- 3. Restaurants that have frontage on the mall exterior are allowed exterior signs according to the following standards:
  - a) Maximum of one wall sign per exterior elevation.
  - b) The total height of the sign must not exceed 42 inches.
  - c) The sign must be located within the tenant's leased space, unless an alternative location is approved by the planning commission or city council, based on the unique characteristics of the tenant space or building design.

- 4. Freestanding buildings are allowed exterior signs according to the following standards:
  - a) Maximum of one wall sign per exterior elevation.
  - b) The total height of the sign must not exceed 5 feet.
  - c) The total length of the sign must not exceed 75% of the lineal footage of the surface to which it is affixed.
- 5. All other tenants are not allowed exterior signs, including temporary business signs.

# 2030 Comprehensive Guide Plan

- A. Development of a master plan for the area that accommodates uses that serve the surrounding residential neighborhoods and demonstrate connectivity to the surrounding area.
- B. Adherence to the I-394 Corridor Study and ordinance
- C. Provisions for sidewalks/trails along the north service road to allow pedestrian access to Ridgedale Mall, the Plymouth Road transit station and CR 73 park and ride facilities
- D. Incorporation of sustainable design practices appropriate for proximity to the western wetland area.
- E. Buffering and screening to existing residential neighborhoods.

#### Ridgedale Mall and Peripheral Areas

Since the opening of Ridgedale Mall in 1973, the regional commercial center has served a market area that extends beyond Minnetonka due to the scale of development, services offered, employment opportunities and regional highway access. Today, development surrounding the mall includes the Ridgehaven Shopping Center; the Ridge Square development; and the Sheraton hotel, YMCA and Hennepin County Service Center on the south side of Ridgedale Drive.

The Ridgedale Mall and surrounding commercial uses are important economic areas within the city; however, their overall configuration presents circulation and access problems. Although there are a variety of services available in this area, it is difficult to take advantage of these services without multiple automobile trips. In addition, the interior and connecting roadway networks are configured in a way that creates congestion and access challenges at peak travel periods and in peak shopping seasons.

Due to its age, it is anticipated that the Ridgedale Mall will undergo redevelopment within the timeframe of this comprehensive plan. Likewise, some of the commercial areas surrounding the Mall are aging and may be redeveloped between now and 2030.

The following development strategies and criteria are established to guide redevelopment activities in the Ridgedale Mall and peripheral areas to revitalize the Ridgedale area as a mixed-use area that provides opportunities for shopping, services, housing and entertainment for Minnetonka residents as well as the region:

- A. Incorporation of the surrounding natural features into overall plans.
- B. Inclusion of transitions to surrounding residential uses to provide buffers (as maintained in the past) between the more intense uses to the north (i.e., Ridgedale Mall) and the low-density residential uses to the south.
- C. Development of a master plan for the area that accommodates mixed uses that serve the city, the sub-region, and the surrounding residential neighborhoods; and demonstrate connectivity to the surrounding area.
- D. Adherence to the I-394 Corridor Study and ordinance.
- E. Provisions for sidewalks/trails to enhance pedestrian access to Ridgedale Mall and surrounding areas and to create a more pedestrian-friendly and cohesive area atmosphere.
- F. Incorporation of transit facilities or access to transit.
- G. Incorporation of sustainable design practices appropriate for proximity to the western

Meadow Park and eastern Crane Lake wetland areas.

The following provides specific land use guidance and strategies for the components that comprise the Ridgedale Mall and associated peripheral areas:

#### 1. Ridgedale Mall and Bonaventure Shopping Center properties

Mixed uses, including entertainment, are allowed with the intent of providing a more pedestrian-scaled transition between the public (government service center and library) and residential areas south of the Mall, and the Mall itself. Residential uses may be considered within the mall area, for example as an upper story to the mall, to provide additional housing opportunities and enhance vitality within the area.

## 2. Three parcels east of the Hennepin County Government Center and associated pond (currently the YMCA, Sheraton, and Ridgegate Apartments)

These properties are guided for mixed use. This land use does not alter the character of the existing developments (which could each be components of a Mixed Use development); rather, the intent is to allow for greater design flexibility and for additional uses, when deemed appropriate, on these parcels. Residential uses will be considered within this mixed use area to provide additional housing opportunities and enhance vitality within the area.

### 3. Parcels east of Ridgedale Drive, south of Cartway Lane and located on the east and west of Plymouth Road

These properties are guided for mixed use, however, residential uses are not considered appropriate, due to access and circulation concerns. The intent is to edge the Ridgedale Mall with development that creates a smoother transition between existing residential, open space, public and commercial uses, and that allows for greater site design influence and overall increased vitality within the area.

Service commercial, office and other commercial uses should occur along Ridgedale Drive, to complement the commercial profile of Ridgedale Mall, and introduce a pedestrian-friendly transition starting at the edges of the Mall

#### 4. Ridge Square North and South Parcels

Residential uses may be permitted in the Ridge Square area, and may take better advantage of the natural features of that area.

#### 5. Ridgehaven Shopping Center (Target/Byerlys) and western commercial area to I-394

No land use changes are planned for these areas given the age of development and proximity to existing residential neighborhoods. It is recognized that traffic conditions between Plymouth Road and Essex Road to the east are not optimal and often result in congestion especially during the holiday season. At some point, the area warrants a review of traffic patterns and roadway conditions to determine if additional design or land use changes can better be accommodated within this area of the Ridgedale regional center.

# Neighborhood feedback received before the planning commission meeting

#### **Ashley Cauley**

**To:** Goldfarb, Gerald

**Subject:** RE: Dick's Sporting Goods

From: Goldfarb, Gerald <gerald.goldfarb@sheratonminneapoliswest.com>

Sent: Tuesday, December 29, 2020 1:24 PM

To: Ashley Cauley <acauley@minnetonkamn.gov>

Subject: Dick's Sporting Goods

Hello from the Sheraton Minnetonka; we are very much in approval of Dicks Sporting Goods moving to the Ridgedale Mall. Very excited. Dicks is a welcome addition to the mall.

We hope that someday soon a Kwik Trip or Holiday Stationstore will also be allowed to come over near Ridgedale Center as a gas and convenience store is very much needed and requested.

Thank you, Gerry Goldfarb

#### Gerry Goldfarb

General Manager
Sheraton Minneapolis West
12201 Ridgedale Drive
Minnetonka, MN 55305
gerald.goldfarb@sheratonminneapoliswest.com
952-960-3501 D
952-593-0000 H

No items were removed from the consent agenda for discussion or separate action. The applicants, Steve Herron and Ted Steidl, were available for questions.

Powers moved, second by Waterman, to approve the items listed on the consent agenda as recommended in the respective staff reports as follows:

A. Resolution approving a front yard setback variance for a garage addition at 18330 Byrnwood Lane.

Adopt the resolution approving a front yard setback variance for a garage addition at 18330 Byrnwood Lane.

B. Resolution approving an expansion permit for a kitchen addition at 19008 Clear View Drive.

Adopt the resolution approving an expansion permit for a kitchen addition within the front yard setback at 19008 Clear View Drive.

Luke, Maxwell, Powers, Waterman, Hanson, Henry, and Sewall voted yes. Motion carried and the items on the consent agenda were approved as submitted.

Chair Sewall stated that an appeal of the planning commission's decision must be made in writing to staff within 10 days.

#### 8. Public Hearings

A. Items concerning Dicks Sporting Goods at 12437 Wayzata Blvd.

Chair Sewall introduced the proposal and called for the staff report.

Cauley reported. She recommended approval of the site and building plans application, denial of the master development plan and building plan amendment application, and denial of the sign plan amendment application based on the findings and subject to the conditions listed in the staff report.

Powers appreciated Cauley's amazing presentation. He asked if other tenants in the mall deviated from brick, stone, glass, and metal materials. Cauley answered in the negative. She noted that Macy's had included a substantial amount of EIFS on its facade in its plan, but, after the city council opposed its use of EIFS, Macy's redid its plans which reduced the EIFS.

In response to Luke's question, Cauley explained that councilmembers expressed support of the proposal incorporating more of the aesthetic features and Ridgedale Drive improvements to make the corridor more visually enhanced and safer for pedestrians instead of just constructing a sidewalk that would cut through a parking lot.

Waterman confirmed with Cauley that the 2017 concept plan was not a long-term vision to shrink the footprint of the retail space, but was a visioning study of what could happen to incorporate other features that would be pedestrian friendly.

Powers confirmed with Cauley that the master development plan does not prohibit the addition of another entrance, but such a change would require a site and building plan review by the planning commission and city council.

Maxwell asked why some of the large restaurants located in Ridgedale Shopping Center have been treated differently. Cauley stated that some of the restaurants at Ridgedale have had exterior signs since the inception of the shopping center. Gordon confirmed that the restaurant signs were part of the original design for the mall in the 1970s.

Chair Sewall confirmed with Cauley that Ridgedale Center tenants with exterior access doors are not allowed to have exterior signs except for restaurants. Cauley noted that a tenant who only had exterior access and did not have interior access to the mall submitted an application to have an exterior sign, but that sign was denied by the planning commission and city council upon appeal of the planning commission's decision.

In response to Chair Sewall's question, Cauley explained that the proposed Dick's Sporting Goods space would be considered an anchor tenant because it would exceed 100,000 square feet in size, but the two other proposed spaces would not be considered anchor tenants.

James Varsamis, vice president of development for Brookfield Properties, representing the applicant, thanked Cauley for the excellent presentation. He stated that:

- Ridgedale Center is the community's economic and retail center. The anchor tenant is important to the 110 small retail stores that rely on traffic generated by the anchor stores.
- Having a Dick's Sporting Goods with over 100,000 square feet on two floors would be a huge win for Ridgedale. Anchor vacancies are an eye sore and cancer that would spread due to the reduced traffic in that court. This is one of the best things that Ridgedale could get for the spot.
- He supports the city's future, mixed-use vision for the area. He loves that
  the mixed-use zoning is in place and ready as the market demand
  presents itself.
- He reviewed renderings of the exterior. He has worked with staff for a year revising the plans for the exterior and sign.
- He requested the unknown "junior" tenant be allowed to have an exterior sign.
- Having Dick's Sporting Goods as an anchor store would be vital to keeping the Ridgedale Center as great as it is today.
- He commended Minnetonka staff who have been professional to work with and guided the applicant to create an attractive, highly-modified,

customized design. He appreciated working with city staff to design the roundabout and improvements to Ridgedale Drive.

Howard Roston, attorney representing Dick's Sporting Goods, stated that:

- Dick's Sporting Goods is competing in an extremely competitive retail market.
- Dick's Sporting Goods would be willing to lose the billboard on I-394 to become part of the mall.
- He understood that the city has a vision for the mall. He will work with city staff and the property landlord in terms of the exterior materials and elevation.
- City staff and the applicant do not agree on the height of the sign.
- The empty Sears box is not in the mall's or the city's best interests.
- He requested that the proposed sign be approved.

Shannon Yeakel, representing Dick's Sporting Goods, stated that:

- Dick's Sporting Goods has a good relationship with Brookfield Properties which is a big asset.
- Dick's Sporting Goods supports communities and youth sports teams.
- There are 750 Dick's Sporting Goods stores. This would be, by far, the most different, two-level looking store.
- She cares about the city code and understands that not following the code is not an easy decision.
- The structure height is important to adhere to Dick's Sporting Goods brand. She meant no disrespect to the code or actions taken regarding previous applications.
- The application first reviewed by staff in Feb. of 2020 was quite different than the current one.
- She appreciated the commission's consideration.

Powers likes Dick's Sporting Goods being located in Minnetonka. He asked if the Dick's Sporting Goods signs for its other stores meet the sign plan requirements of the cities in which they are located. Ms. Yeakel answered affirmatively. She stated that none of those height requirements are as low as this sign plan's requirements. None of them had to be as low as the existing parapet. Sometimes the parapet was built up to meet a requirement.

Powers asked what would happen if the sign on the east side would not be approved as submitted. Ms. Yeakel answered that her superiors would make that decision. She stated that her superiors are passionate about the sign. She stated that more glazing and changing the building materials to meet in the middle could be accomplished, but changing the proposed sign would be "really hard to swallow." Mr. Varsamis stated that he has lost deals due to municipalities not bending to allow an architectural detail or brand identity. He felt this would be a win-win for both parties. It would give Dick's

Sporting Goods the brand new store it is looking for and would fill an empty anchor space for Ridgedale Center.

Maxwell asked for the size of the existing store and the height of its sign. Ms. Yeakel answered that the existing store is nearly 100,000 square feet.

Luke asked how many of the Dick's Sporting Goods stores are located in malls. Ms. Yeakel estimated that 30 percent of them are located in a mall.

Luke questioned how the proposed sign height and orientation would help the store's visibility. Ms. Yeakel said that the height of the sign is not necessarily intended to provide visibility from I-394, but more for the impact of the brand and to emphasize the large size of the store. Unfortunately, the grades of the site are opposite of what the applicant would want. Without the proposed sign, the look of the store would not get credit for how large of a store it would be. Dick's Sporting Goods is best in its class in retail sporting goods. A huge sporting goods store just opened in Eden Prairie Center and has made the market even more competitive. Remodeling the existing location would not provide the opportunity to create the brand and prototype put forth in the current plan. A two-level building built today would be very visual with brick on the inside instead of painting the walls white. All of those things combined helped make the decision to move the business to a new location.

Luke asked if removing the parapet had been considered. Mr. Varsamis said that would make that side of the building minimal and not increase the awareness of Dick's Sporting Goods' presence. The applicant felt that matching the existing parapet height rather than removing it would be the appropriate answer. Otherwise, it would be very short. He explained that all of the stores use their signs to hide equipment on the roof. Dick's Sporting Goods' agreement to occupy the space is contingent on the plan being approved. Luke appreciated the pressure Mr. Varsamis felt to secure a tenant and his commitment to keep Ridgedale a viable mall. She hopes it would be successful.

In response to Henry's question, Ms. Yeakel explained that, due to Covid, Dick's Sporting Goods increased its services for online ordering and contactless curbside pickup.

Henry stated that Dick's Sporting Goods would add to the vitality of the mall. He asked for the main advantage to moving to Ridgedale. Ms. Yeakel said that there are confidential things that she cannot share, but the store would have a new, prototypical style interior. The lighting would be better and provide a better product. Mr. Varsamis said that stores typically perform better in a mall due to the added traffic and convenience. Ms. Yeakel agreed. Mr. Varsamis stated that Dick's Sporting Goods hoped to be open in Ridgedale Center before the end of 2021.

Henry would like the two-stories to be accentuated more. He suggested putting windows on the second story to showcase products from the outside. Ms. Yeakel had a conversation with staff yesterday. Dick's Sporting Goods would be happy to add glass to the outside, but the structure may not hold the channel letters and the canopy would

have to be removed. The canopy is important in a cold climate. The glass feature would have to be built out to get behind it for snow load and other considerations. She would be more than happy to work with staff on the materials. The presence and the branding is very important. She stated that each Macy's and Nordstrom's looks similar, but different depending on the mall. Dick's Sporting Goods' brand has an entrance feature. The structure is the brand and sets Dick's Sporting Goods apart from being a vanilla anchor box.

Mr. Varsamis would like to be able to tell a potential tenant for the remaining space that an outside sign would be allowed.

Chair Sewall asked if the remaining space would have an interior mall entrance. Mr. Varsamis answered in the negative. The future tenant space is anticipated to have one tenant on the upper level facing the east parking field and one on the lower level facing the west parking field. A grocery use would be a good tenant to utilize the site and benefit the area.

In response to Waterman's question, Ms. Yeakel said that the issue is that staff's recommended sign would make the Dick's Sporting Goods exterior look no different than the Cheesecake Factory, but it is not a restaurant. Dick's Sporting Goods would be a 100,000-square foot anchor tenant. The brand of the company is very important. The CEO of the company started the company and is passionate about keeping the sign the same for the brand and to give credit for the size of the store.

Waterman asked if raising the entire roof line of the length of the Dick's Sporting Goods store to make it look taller than the Cheesecake Factory would be an option. Ms. Yeakel would be happy to do that. Mr. Varsamis would support going taller. Every retailer loves more.

In response to Waterman's question, Mr. Varsamis answered that not allowing the additional vacant space to have its own exterior sign would make it economically inviable.

Mr. Roston said that there is a time constraint due to other business reasons that prevented Dick's Sporting Goods staff from spending more time discussing the proposal with staff before bringing it to the planning commission for review.

In response to Hanson's question, Mr. Varsamis stated that a retail store without an inside connection to the mall would not locate in a space without an exterior sign. The space would allow three or four restaurants to have exterior signs.

Luke recalled a similar discussion with CycleBar which has an exterior access only. Mr. Varsamis stated that CycleBar is located next to a mall entrance and has a sign behind its glass front in order to meet the sign plan requirements. That would not work for a junior-anchor-size tenant.

In response to Powers' question, Mr. Varsamis described how Brookfield Properties worked with city staff to create the hiking trails, roundabout, and improvements to Ridgedale Drive. The sidewalk from the mall was connected to the hiking trail. An arbor is being considered to provide connectivity.

In response to Powers' question, Mr. Roston stated that he believes that an agreement could be reached between city staff and the applicant regarding the amount of EIFS that the proposal would use. Ms. Yeakel said that other materials could be considered.

The public hearing was opened. No testimony was submitted and the hearing was closed.

Wischnack acknowledged the difficulty of trying to balance a long-term view for the Ridgedale Center area with short-term retail influences. Chair Sewall thanked staff for working with the applicant to try to reach an agreement.

Hanson stated that, from an aesthetic, economic, and finding-a-gem-to-anchor-Ridgedale Center standpoint, he supports approving the master development plan, building plan and sign plan amendment with the proposed Dick's Sporting Goods sign, but without the to-be-determined sign included in the façade of the vacant space.

Chair Sewall understood the rationale to not extend the sign above the roofline, but questioned why one side would be o.k. and not the other. Cauley stated that staff is not comfortable with a faux parapet extending its height just for a sign that would serve no purpose other than to increase the size of the sign. The future tenant parapet sign exists currently. The proposal would add to its height and detract from the horizontal rhythm that the mall currently has.

Chair Sewall listened to the city council meeting where this proposal was introduced. Councilmembers want to support retail, but do not want the Ridgedale Center area to have so many signs that it would look like NASCAR. The future of the mall and what makes sense needs to be considered.

Powers thanked the helpful speakers representing the application. He stated that:

- The whole area is being reimagined. Adding six feet to the height of an exterior sign for Dick's Sporting Goods makes sense to him. It would be an anchor tenant with 100,000 square feet which makes it meet major criteria. CycleBar was a much smaller space asking for a lighted, exterior sign which he did not think warranted special consideration. He is more inclined to support the current proposal's sign.
- He did not think all of the signs for the vacant space need to be decided now, because it complicates the decision.
- He did not like the sign on the back end, because it looks like a fake entrance.
- He liked the fact that the applicant would be willing to remove the EIFS or work with staff to agree upon acceptable materials.

- He appreciated Brookfield Properties cooperating with making pedestrian improvements.
- He thought Ridgedale would be lucky to have Dick's Sporting Goods as an anchor store.
- He thought the sign would be less important than it used to be since many people utilize GPS. He was inclined to allow the look on the front of the building. It would not be dramatically different or create excessive viewing.

### Henry stated that:

- He understands that the applicant wants to have an "A+" look to the store.
   He did not like EIFS or the look of a strip-mall-box store. Ridgedale
   Center is a special resource.
- He would like a view of the park from the second story of the store. He suggested making it as much of an "A+" store as possible. He would like the second floor ceiling raised and windows added to make it a signature spot. He suggested going bigger and fancier with the windows if possible. If the second floor would be raised, then the main sign could be higher.
- He did not like the appearance of the small signs above the loading dock.
   He would like that cleaned up.
- He did not like the faux entrance because there is no door there. He
  would like to see the Dick's Sporting Goods sign replaced with a mural or
  mosaic that would not be confused for signing an entrance.

Luke thanked the speakers representing the application for their time. Luke stated that:

- Ridgedale Center is a high-end mall. She wants the façade to look and feel like the rest of Ridgedale Center.
- She was inclined to agree with staff's recommendation regarding the height of the sign.
- The other external entrances need a solution regarding signs. It makes sense that restaurants would have external signs because they operate during different hours and have external accesses. A consumer wants to know what store he or she is walking into. CycleBar is unique because of its size. She thought an exterior sign would be warranted for a 30,000-square-foot tenant with exterior access and no interior mall access. She encouraged staff to consider that. Rules could be created so that not every store in the mall could have an exterior sign. This may not be the only anchor space that breaks up.
- She agreed that a fake entrance would frustrate a customer until he or she remembers the next time. The neighboring apartment dwellers would like an entrance there.
- She agreed that it is unfortunate that the future tenant sign is included in the application.

 She was comfortable with staff's recommendation regarding the Dick's Sporting Goods' sign height.

#### Maxwell stated that:

- She agrees with Luke. Ridgedale Center is a high-end mall. She does not want it to look like a strip mall or big-box store.
- She supports staff's recommendation in keeping the sign height in line
  with the rest of the mall. With the sign's colors and basketball as an
  apostrophe, she felt any customer would recognize the store for what it is
  without the extra height. The big green panel by itself would contrast and
  stand-out strongly.
- She thought the signed area without an access would be confusing. She suggested making it an entrance or change the sign on the main level to make it clear that it is not an entrance.
- The sign on the dock side would be too large. It should direct traffic to the dock, but it does not need to be visible to customers at the mall.
- She acknowledged that a future tenant would need to have an external sign. She did not support the future tenant sign as proposed, but she did not have a solution.

#### Waterman stated that:

- He agrees with Luke and Maxwell. He was thrilled to have Dick's Sporting Goods stay in the community and appreciated the applicant being willing to work with staff. There is a lot to be considered in the application.
- He supports staff's recommendation.
- He did not feel strongly regarding the sign height.
- He agrees with removing the EIFS and adding windows and additional stone.
- As a consumer, he would recognize Dick's Sporting Goods.
- He appreciates the application including the junior tenant and showing how it would look. There needs to be a solution for a junior tenant sign. He thought junior tenant stores could be considered a freestanding structure once the big box would be divided up.
- He agreed with staff at this time. He felt the solution is almost there.

### Hanson stated that:

- He had no problem with staff's recommendation other than being open to Dick's Sporting Goods maintaining its brand.
- He struggled with approving a blank sign.
- He encouraged the applicant to link the store to the park.
- He expects Dick's Sporting Goods to create a high-end store.
- Hanson thought a junior tenant could apply for a sign variance for an exterior sign.

#### Chair Sewall stated that:

- The Ridgedale Center area is changing.
- He felt that it would be reasonable for the remaining space not used by Dick's Sporting Goods to have an exterior sign if the only access to the space is from the exterior with no mall access.
- There would be apartments within a few hundred yards. He wants to be respectful of those residents. The signs and aesthetics are more important now than ever. He supports eliminating the signs on the south end that face The Luxe.
- He loves the idea of having glass windows overlook the park.
- He was comfortable with Dick's Sporting Goods proposed sign's height.
- He did not like the roofline being all at the same level. He likes the look of the roofline broken up.
- He agrees that the west side display would be uninspiring. He opposes the use of EIFS. An anchor tenant deserves a better product.

Henry wants the high-end feel of the mall maintained. He was comfortable tabling the motion to allow the applicant time to incorporate some of the ideas mentioned by commissioners into a new plan.

In response to Chair Sewall's request, Cauley clarified that the final site plan covers outside items including the proposed stormwater improvements and parking-lot-island landscaping; the master development plan and building plan cover the building façade; and the sign plan amendment covers the proposed signs.

Chair Sewall noted that the applicant stated that time is of the essence. He recommends commissioners make a recommendation to the city council at this time and the applicant may make changes to the proposal before it is reviewed by the city council.

Luke moved, second by Henry, to recommend that the city council adopt a resolution denying an amendment to the Ridgedale Center master development plan and building plans; adopt a resolution approving the final site plans; and adopt a resolution denying the sign plan amendment for Dick's Sporting Goods and a future tenant at 12437 Wayzata Blvd.

Luke, Henry, Maxwell, and Waterman voted yes. Powers, Hanson, and Sewall voted no. Motion carried.

Chair Sewall thanked the speakers representing the application and wished them luck.

### B. Ordinance relating to telecommunication facilities.

Chair Sewall introduced the proposal and called for the staff report.

Thomas reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Henry asked if the City could have some control over locating small cell equipment in right-of -ways in single-family neighborhoods. Thomas explained that state law prohibits cities from directing providers to certain right-of-ways, but small-cell equipment on new structures cannot be located adjacent to residentially zoned properties unless the applicant provides certification that service objectives cannot be met by constructing in a non-residential area and must be located in the right-of-way of a collector or arterial street unless the applicant can provide certification that the service objectives would not be met if located in the right of way of a collector or arterial street.

The public hearing was opened. No testimony was submitted and the hearing was closed.

Maxwell asked for an estimate of how often the city expects to receive an application from a cell provider that would require approval of a conditional use permit. Thomas stated that, on average, staff currently reviews one application a month administratively for an application that does not require a conditional use permit. Providers prefer to use the existing administrative process when possible and not have to go through the conditional use permit review process. Communication facilities are allowed to be located on existing utility poles in single-family residential areas without a conditional use permit.

Tammy Hartman, network outreach manager with Verizon, stated that she was available for questions.

In response to Henry's question, attorney Anthony Dorland, representing Verizon, explained that small cell installations have to be in closer proximity to the user than a macro site located on a water tower. He agreed with staff's report. The demand for cell coverage is being created by people in their homes. Cell phones are a replacement for landline phones. Eighty percent of people 25 to 35 years of age do not have a landline phone, only a cell phone.

Powers moved, second by Hanson, to recommend that the city council adopt the ordinance repealing and replacing City Code 310.03 regarding Telecommunication Facilities Regulations.

Luke, Maxwell, Powers, Waterman, Hanson, Henry, and Sewall voted yes. Motion carried.

#### 9. Adjournment

Waterman moved, second by Luke, to adjourn the meeting at 10:25 p.m. Motion carried unanimously.

Unapproved	<b>Planning</b>	Commission	<b>Minutes</b>
Jan. 7, 2021			

Page	1	2
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Lois T. Mason Planning Secretary	y:
Planning Secretary	Lois T. Mason
	Planning Secretary
3 ,	r iaiming decretary

# Neighborhood feedback received since the planning commission meeting



January 12th, 2021

Hello Ms. Cauley:

As an existing retail tenant at Ridgedale Center, we are very much in favor of the project to add Dicks Sporting Goods as a replacement anchor tenant in the former Sears building, which has been vacant for two years. Dicks Sporting Goods is a vibrant retailer that has been particularly successful during the pandemic. They will bring more customers to the center and benefit all retailers at Ridgedale Center. It is important during this very challenging period for retailers that we all work together to support projects that add new tenants to the center and help ensure the long-term success of the property.

We look forward to seeing the former Sears building full again and to welcoming the new tenants to our retail community.

Sincerely, Maril Keller

Diane Keller

Owner, Reflect Salon

Ridgedale Center



WWW.REFLECT.SALON | 763.559.3185 | INFO@REFLECT.SALON

From: UNTUCKit ridgedale <ridgedale@untuckit.com>

**Sent:** Thursday, January 14, 2021 12:00 PM

To: Ashley Cauley <acauley@minnetonkamn.gov>; joan.suko

Subject: Dick's Sporting Goods

Good morning Ashley!

My name is Ann Dysart and I'm the ASM for UNTUCKit at Ridgedale Center. I have been made aware of the interest Dlck's Sporting Goods has in taking over the space where SEARS used to be.

I think this is a fantastic idea! The increased foot traffic in the mall will surely have a positive impact on many of the merchants that lease space within and even near Ridgedale Center!

Please seriously consider this addition to Ridgedale Center.

Be well.

Ann Dysart - ASM

From: Cundiff, Elliot To: Ashley Cauley

Subject: Ridgedale- Dick"s Sporting Goods

Date: Thursday, January 14, 2021 11:31:15 AM

#### Hello.

I am writing to express Nordstrom's support for the proposed Dick's Sporting Goods store at Ridgedale. As an anchor tenant we believe that mall developers need to work hard to find strong retail users for former department store boxes, and we are supportive when a mall works to quickly replace a closed anchor with a viable retail tenant that will bring traffic to the center. We believe that Dick's would be a good replacement for the former Sears.

Thank you, Elliot Cundiff Director of Real Estate Nordstrom, Inc. From: Syverson, Brad

Sent: Thursday, January 14, 2021 1:22 PM

To: Ashley Cauley <acauley@minnetonkamn.gov>

**Subject:** Dick's Sporting Goods at Ridgedale Mall

Hi Ashley -

JCPenney supports Dicks Sporting Goods joining Ridgedale Mall at the former Sears store. We welcome the additional traffic the store will generate.

### **Brad Syverson**

Vice President, Real Estate

bsyverso@jcp.com

o 972 431-1738 m 972 832-4193

**JCPenney** 

# Revised plans submitted after the Planning Commission meeting



1201 S. Marquette Ave #200 Minneapolis, MN 55403

January 15, 2021

Ashley Cauley, Senior Planner City of Minnetonka 14600 Minnetonka Blvd. Minnetonka, MN 55345

Re: Dicks Sporting Goods/ Sears Redevelopment 12431 Wayzata Blvd.

Minnetonka, MN 55305 Job No: 20.0003872.000

Dear Ashley:

This letter is a written narrative for revisions to the original 11-17-2020 and revised 12-23-2020 Planning submission of the Dicks Sporting Goods/ Sears Redevelopment project at Ridgedale Center. Revisions are as follows:

#### MASTER DEVELOPMENT PLAN REVIEW:

- 1. Page 14 Arbor added to Landscape Plan L101, at the pedestrian connection.
- 2. Page 17 East Elevation, revised DSG design.
  - a. Horizontal metal band raised to reduce EIFS on each side of the entrance.
  - b. Metal band continued over display windows.
  - c. Added dashed area around "TENANT" to depict future tenant sign area.
  - d. Revised Material takeoff, EIFS to 1,592 s.f. at 15% and Brick to 1,758 s.f. at 17%
- 3. Page 18 West Elevation, revised DSG design
  - a. Stone sill added across DSG elevation.
  - b. Revised Material takeoff, Stone to 1,255 s.f. at 8%, Brick to 1,365 s.f. at 9%, and Glass to 1,065 s.f. at 7%.
  - c. Added dashed area around "TENANT" to depict future tenant sign area.
- 4. **Page 19** South Elevation, removed (2) signs over the existing loading dock and added dashed area around "TENANT" to depict future tenant sign area.
- 5. Pages 20 through 24 Renderings updated to reflect design changes.

#### SITE AND BUILDING PLAN REVIEW:

- 1. Page 5 East Elevation, revised DSG design.
  - a. Horizontal metal band raised to reduce EIFS on each side of the entrance.
  - b. Metal band continued over display windows.
  - c. Added dashed area around "TENANT" to depict future tenant sign area.
- 2. Page 6 West Elevation, revised DSG design
  - a. Stone sill added across DSG elevation.
  - b. Added dashed area around "TENANT" to depict future tenant sign area.

#### 01/15/2021

### Ashley Cauley – City of Minnetonka Page 2

- 3. **Page 7** South Elevation, removed (2) signs over the existing loading dock and added dashed area around "TENANT" to depict future tenant sign area.
- 4. Pages 8 through 12 Renderings updated to reflect design changes.

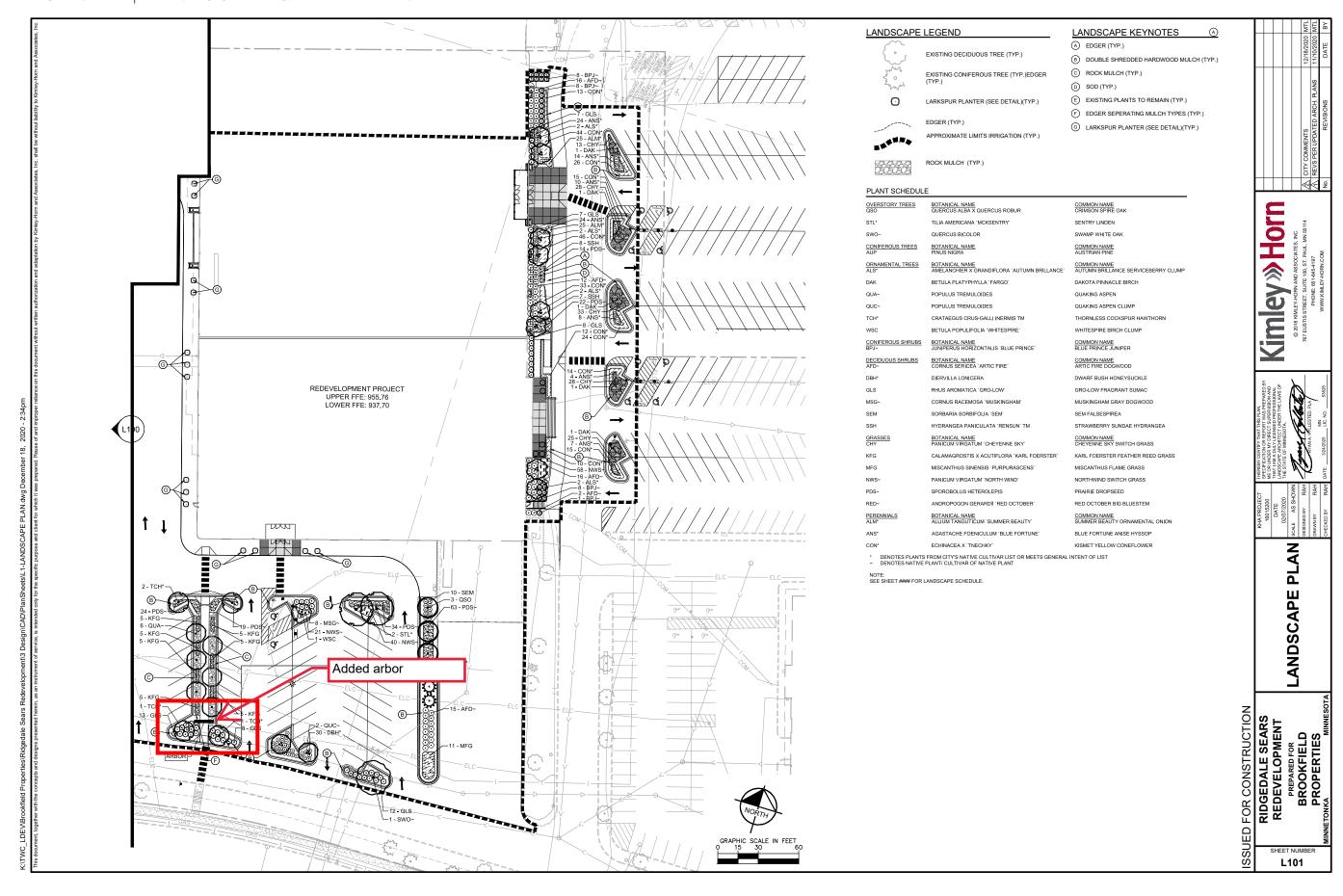
#### **SIGN PLAN REVIEW:**

- 1. Page 4 First Floor Key Plan, removed signs "B" and "D" over the existing loading dock.
- 2. Page 5 Second Floor Key Plan, removed signs "B" and "D" over the existing loading dock.
- 3. Page 6 East Elevation, added dashed area around "TENANT" to depict future tenant sign area.
- 4. Page 7 West Elevation, added dashed area around "TENANT" to depict future tenant sign area.
- 5. **Page 8** South Elevation, removed tenant signs B & D over the existing dock area and added dashed area around "TENANT" to depict future tenant sign area.
- 6. Pages 9 through 13 Renderings updated to reflect design changes.
- 7. Page 15 Sign B is removed.
- 8. Page 16 Sign D is removed.

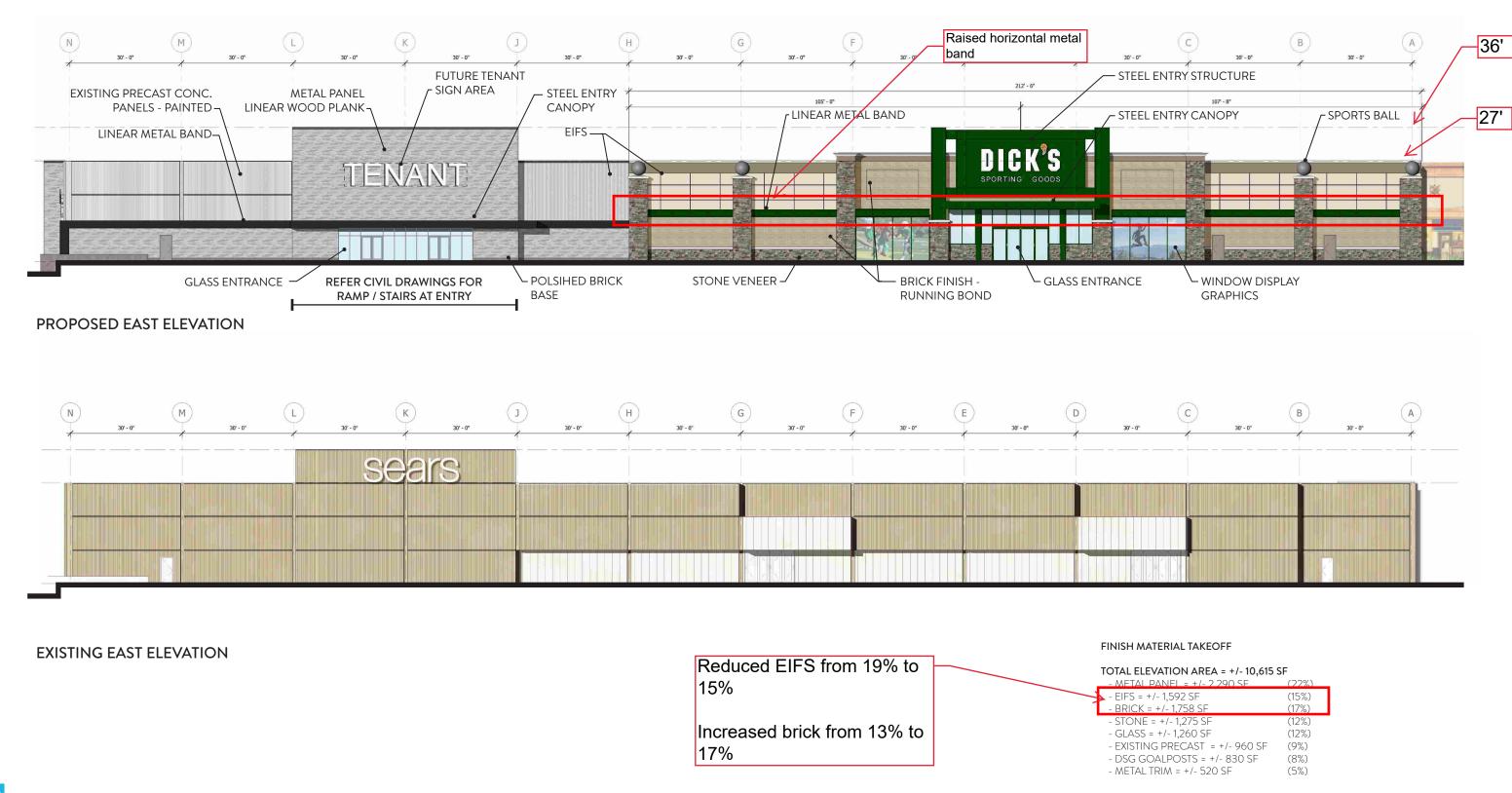
Kind Regards,

Jonathan Rolke Senior Architect

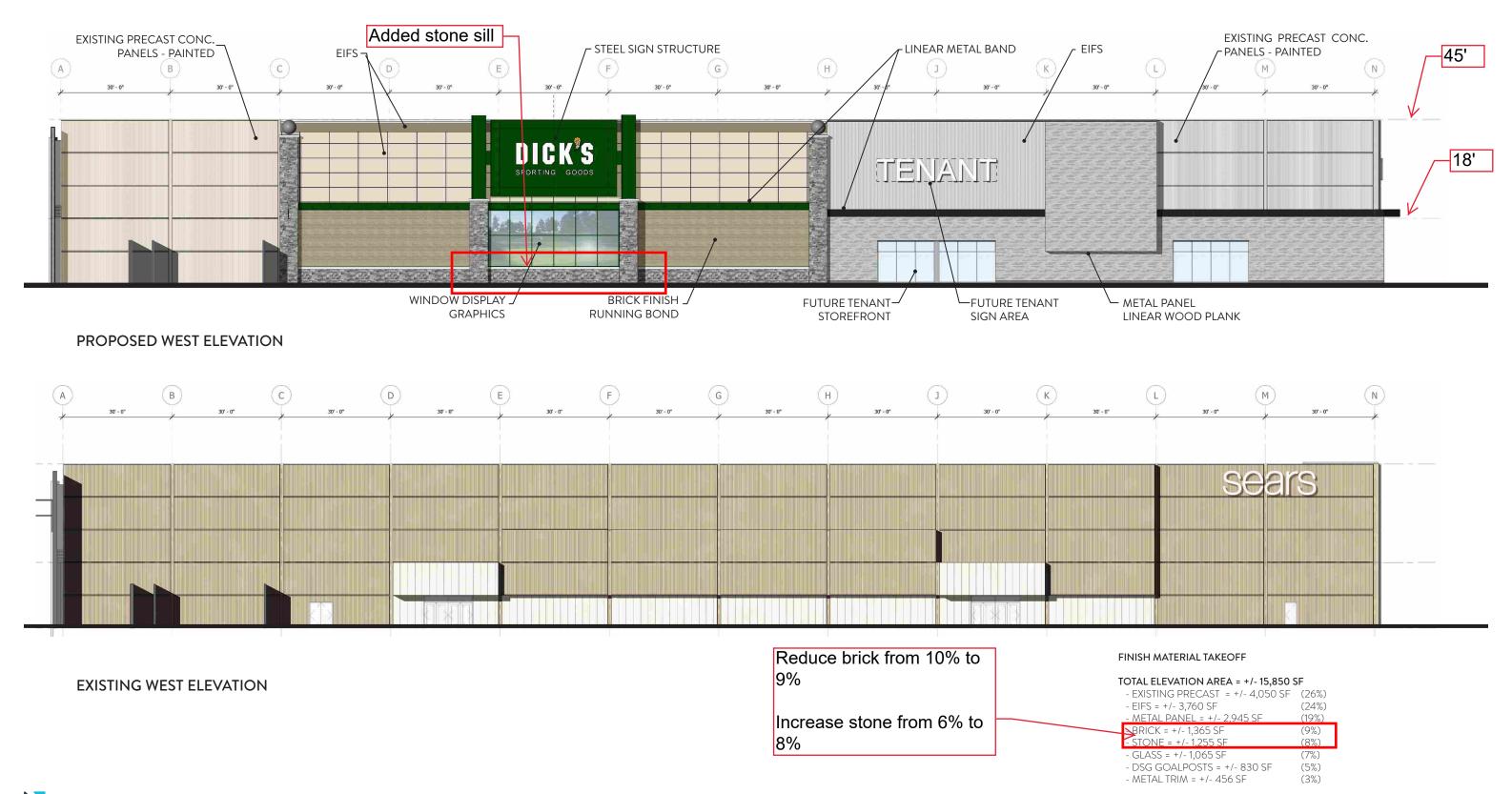
### RIDGEDALE CENTER | LANDSCAPE & TREE PLAN



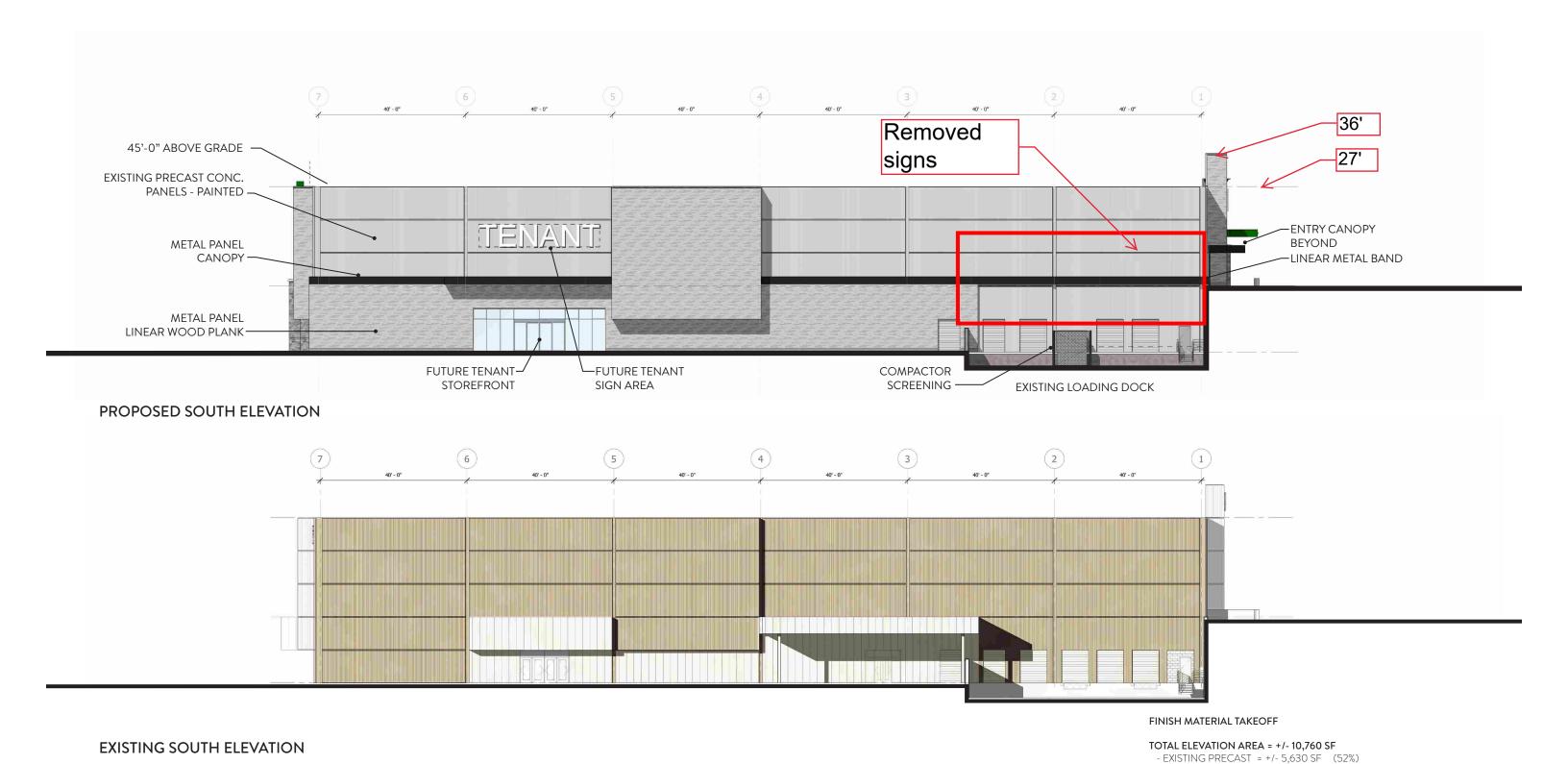
### RIDGEDALE CENTER | EAST ELEVATION



### RIDGEDALE CENTER | WEST ELEVATION



### RIDGEDALE CENTER | SOUTH ELEVATION



- METAL PANEL = +/- 3,690 SF - GLASS = +/- 420 SF

- OTHER (DOORS) = +/- 470 SF

- METAL TRIM = +/- 400 SF

- BRICK = +/- 150 SF

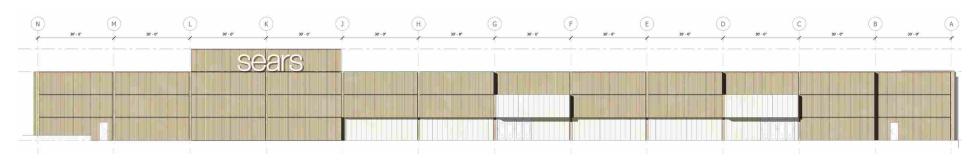
(4%)

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### RIDGEDALE CENTER | DESIGN EVOLUTION



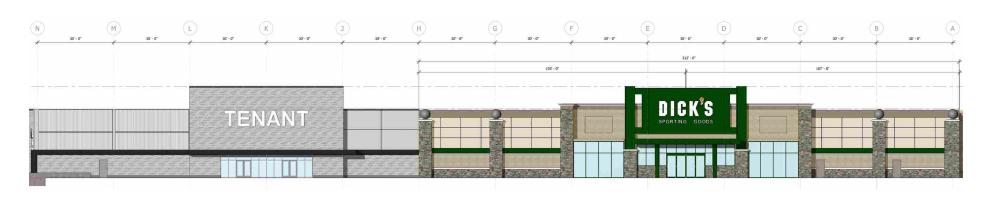
**EXISTING EAST ELEVATION** 



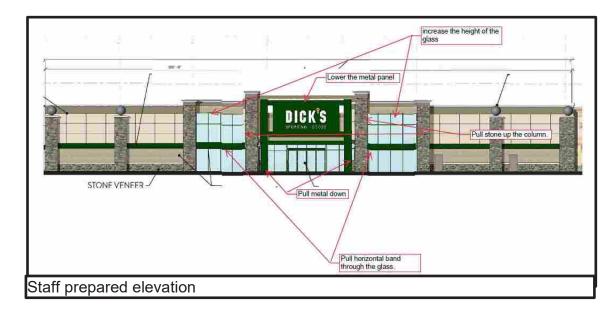
FEBRUARY 3, 2020 - ORIGINAL ZONING SUBMISSION



APRIL 17, 2020 - REVISED ZONING SUBMISSION



NOVEMBER 17, 2020 - FINAL DESIGN SUBMISSION



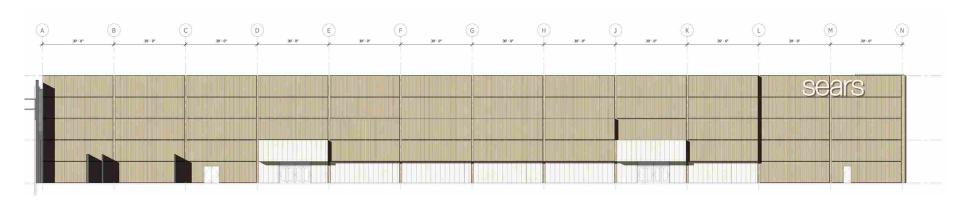
1

**DECEMBER 2, 2020 ADDITIONAL CITY COMMENTS** 



JANUARY 15, 2021 - DESIGN REVISION PER PLANNING COMMISION COMMENTS

### RIDGEDALE CENTER | DESIGN EVOLUTION



**EXISTING WEST ELEVATION** 



FEBRUARY 3, 2020 - ORIGINAL ZONING SUBMISSION



APRIL 17, 2020 - REVISED ZONING SUBMISSION

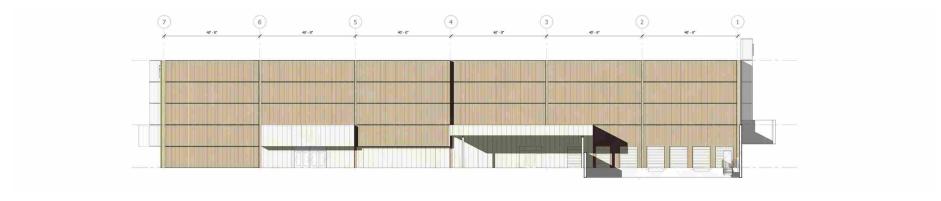


NOVEMBER 17, 2020 - FINAL DESIGN SUBMISSION

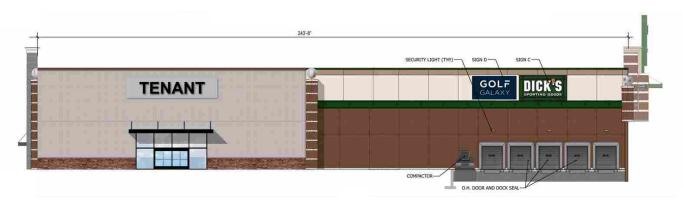


JANUARY 15, 2021 - DESIGN REVISION PER PLANNING COMMISION COMMENTS

### RIDGEDALE CENTER | DESIGN EVOLUTION



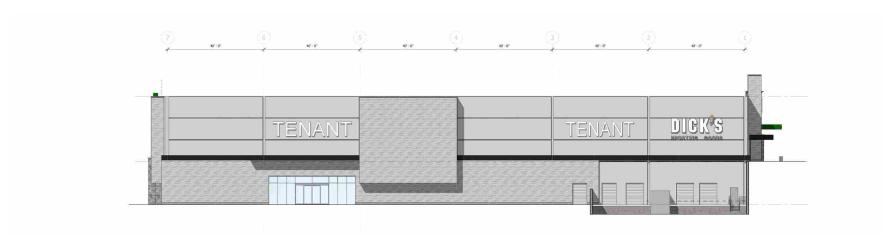
**EXISTING SOUTH ELEVATION** 



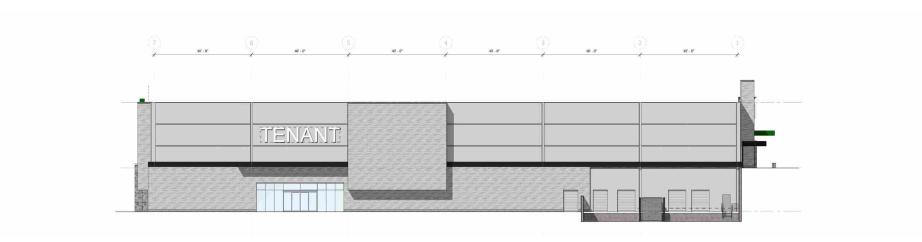
FEBRUARY 3, 2020 - ORIGINAL ZONING SUBMISSION



APRIL 17, 2020 - REVISED ZONING SUBMISSION



NOVEMBER 17, 2020 - FINAL DESIGN SUBMISSION



JANUARY 15, 2021 - DESIGN REVISION PER PLANNING COMMISION COMMENTS

### RIDGEDALE CENTER | PANORAMIC VIEW



### RIDGEDALE CENTER | PANORAMIC VIEW



### RIDGEDALE CENTER | NORTHEAST PERSPECTIVE



### RIDGEDALE CENTER | SOUTHEAST PERSPECTIVE



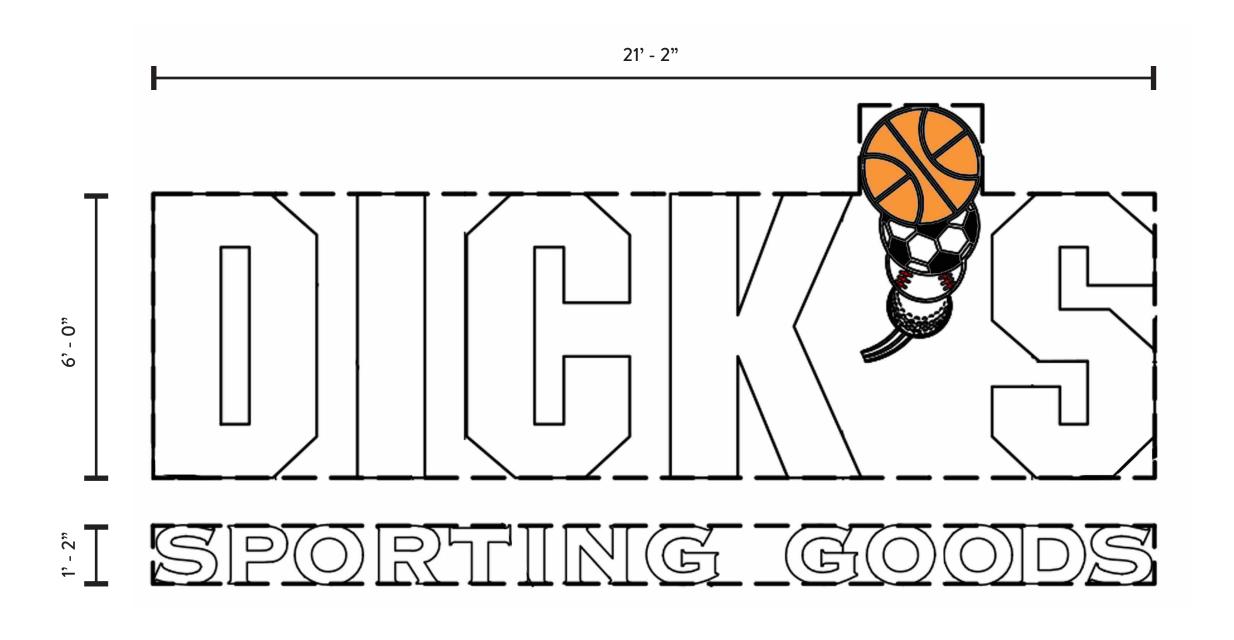
### RIDGEDALE CENTER | SOUTHWEST PERSPECTIVE



### RIDGEDALE CENTER | PROPOSED MINOR AMENDMENT TO THE 2015 SIGNAGE PLAN

### Multi-Tenant Building Configuration for Sears Redevelopment

- Maximum of (1) one wall sign per tenant leasable frontage.
- The total height of the sign must not exceed 8'-0".
- The total length of the sign must not exceed 75% of the lineal wall frontage of the primary facade to which it is affixed.
- Canopy mounted signage is acceptable.
- Maximum of (1) one wall sign per tenant over loading dock for potential customer fulfillment.





## SIGN D REMOVED

### Ordinance No. 2021-

## An ordinance adopting an amendment to the Ridgedale Center master development plan, for Dick's Sporting Goods at 12347 Wayzata Blvd

### The City Of Minnetonka Ordains:

### Section 1. Background

1.01 The subject property is located at 12437 Wayzata Blvd. The property is legally described as:

Part of Lot 2, Block 1, RIDGEDALE CENTER THIRD ADDITION, and part of Lot 3, Block 1, RIDGEDALE CENTER TENTH ADDITION, according to the recorded plats thereof, Hennepin County, Minnesota.

Torrens Certificate Numbers are 1469396 and 1477447.

- 1.02 The property was developed in 1974. The mall anchor department store was formerly occupied by Sears.
- 1.03 The Ridgedale Center Master Development Plan was adopted in 2013. The plan consisted of three phases:

<u>Phase One:</u> The first phase included the construction of an 80,000 square foot addition to Macy's, updating the exterior of Macy's store, as well as parking lot, stormwater, and landscaping improvements for the north side of the site.

<u>Phase Two:</u> The second phase consisted of the demolition of the then existing Macy's Men's and Home store and construction of an addition to the mall and a new 14,000 square foot anchor department store (Nordstrom). Phase Two also included a parking lot, stormwater, and landscaping improvements throughout the site.

<u>Phase Three:</u> The third phase consisted of three new, freestanding restaurants on the northwest side of the mall, as well as the final parking lot and landscaping improvements. Two of the three restaurant pads have been built and are currently occupied by Xfinity, Café Zupas, and iFly. One restaurant pad remains.

Ordinance No. 2021- Page 2

The plan did not address site or building improvements on the Sears site, the subject property.

- Zach Kamerer, on behalf of NELSON Worldwide and the property owner, is proposing building improvements on the subject property. The proposal requires:
   (1) an amendment to the existing master development plan to incorporate the proposed improvements into the existing plan; and (2) approval of final building plans.
- 1.05 On Jan. 7, 2021, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended the city council deny the request.
- 1.06 On Jan. 29, 2021, the applicant submitted revised plans. The plans removed the site and future tenant improvements. The plans also included revised façade improvements for Dick's Sporting Goods.

#### Section 2. Standards

- 2.01 This ordinance is based on the following findings:
  - 1. The proposed plan is consistent with the goals and policies of the 2030 Comprehensive Plan as it pertains to the Ridgedale Village Center.
  - 2. The proposed plans would allow for an anchor tenant to occupy a currently vacant anchor tenant space while allowing for future tenants.

#### Section 3. Council Action.

- 3.01 Approval is subject to the following conditions:
  - 1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the floor and façade plans dated Jan. 29, 2021.

The above plans are hereby adopted as the master development plan for the subject property.

- 2. The development must further comply with all conditions outlined in City Council Resolution No. 2021-XX, adopted by the Minnetonka City Council on Feb. 8, 2021.
- Section 4. This ordinance is effective on the date of its adoption.

Ordinance No. 2021-	Page 3
Adopted by the city council of the City of Minnetonka, Minnesota, on F	eb. 8, 2021.
Due d'AME de la Company	
Brad Wiersum, Mayor	
Attest:	
Becky Koosman, City Clerk	
Action on this Ordinance:	
Date of introduction: Dec. 21, 2020 Date of adoption:	
Motion for adoption:	
Seconded by: Voted in favor of:	
Voted against:	
Abstained: Absent:	
Ordinance adopted.	
Date of publication:	
I hereby certify that the foregoing is a true and correct copy of an ordin Council of the City of Minnetonka, Minnesota, at a meeting held on Fe	
Becky Koosman, City Clerk	

#### Resolution No. 2021-

### Resolution approving final building plans for Dick's Sporting Goods at 12347 Wayzata Blvd

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

### Section 1. Background.

- 1.01 The applicant Zach Kamerer, on behalf of NELSON WORLDWIDE and the property owner, has requested final building plan approval for Dick's Sporting Goods and a future tenant at 12347 Wayzata Blvd. The original proposal included landscaping, parking lot, pedestrian and stormwater improvements.
- 1.02 The subject property is located at 12437 Wayzata Blvd. The property is legally described as:

Part of Lot 2, Block 1, RIDGEDALE CENTER THIRD ADDITION, and part of Lot 3, Block 1, RIDGEDALE CENTER TENTH ADDITION, according to the recorded plats thereof, Hennepin County, Minnesota.

Torrens Certificate Numbers are 1469396 and 1477447.

- 1.03 On Jan. 7, 2021, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended the city council deny the building plans.
- 1.04 On Jan. 29, 2021, the applicant submitted revised plans. Generally, the plans removed the site and future tenant improvements. The revised plans also included changes to the proposed Dick's Sporting Goods façade.

### Section 2. General Standards.

- 2.01 City Code §300.27, Subd. 5, states that in evaluating a site and building plan, the city will consider its compliance with the following:
  - 1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources

Resolution No. 2021- Page 2

- management plan;
- 2. Consistency with the ordinance;
- Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;
- 4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;
- 5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:
  - a) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors, and the general community;
  - b) the amount and location of open space and landscaping;
  - c) materials, textures, colors, and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
  - d) vehicular and pedestrian circulation, including walkways, interior drives, and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.
- 6. Promotion of energy conservation through design, location, orientation, and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and
- 7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

### Section 3. Findings.

- 3.01 The proposal would meet site plan standards outlined in the City Code §300.27, Subd. 5.
  - 1. The site improvements have been reviewed by the city's planning, building, engineering, natural resources, fire, and public works staff. Staff

Resolution No. 2021- Page 3

- finds the site improvements to be generally consistent with the city's development guides.
- 2. The building improvements are generally consistent with the ordinance.
- 3. The proposal no longer includes site improvements. However, staff finds the proposed facades would reasonably integrate into the existing mall façade.
- 4. The proposal no longer includes site improvements. The building materials would incorporate high-grade materials, consistent with what is allowed within the PID, Planned I394 District.
- 5. Any building work would require a building permit and would be required to meet minimum energy standards and other code requirements.
- 6. The proposal would not have an impact on surrounding properties but would allow for a tenant to occupy a previously vacant anchor tenant store.

### Section 4. Planning Commission Action.

- 4.01 Approval of the proposed site plan is based on the findings outlined in section 4 of this resolution. Approval is subject to the following conditions:
  - 1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the floor and building plans dated Jan. 29, 2021.
  - 2. Prior to submission of a building permit application, hold a pre-permit submittal meeting with the appropriate city staff.
  - 3. Prior to issuance of a building permit:
    - a) This resolution must be recorded with Hennepin County.
    - b) Submit a material and color palette board for staff review and approval. The applicant should work with staff to identify a suitable color for the structural portion of the clerestory consistent with other similar mall rooftop elements.
    - c) Submit a construction management plan. This plan must be in a city-approved format and must outline site management practices and penalties for non-compliance.
    - d) All rooftop and ground-mounted mechanical equipment, and trash and recycling storage areas, must be enclosed with materials compatible with the principal structure, subject to staff approval. Low profile, self-contained mechanical units that blend in with the

Resolution No. 2021- Page 4

building architecture are exempt from the screening requirements.

- e) Details regarding future site improvements, notably sidewalk and landscaping improvements relating to this building, will need to be submitted and approved by staff. Larger site issues and improvements will be addressed at a future date with the build-out of the remaining former Sears tenant space. The plan: (1) must meet minimum landscaping and mitigation requirements as outlined in the ordinance; (2) include information related to species, sizes, quantities, locations, and landscape values; and (3) include pollinator species.
- 4. Any development of the future tenants or site is subject to review and should integrate with the mall including Dick's Sporting Goods façade.
- 5. Sign permits are required for the exterior signage. Signs are subject to the criteria outlined in the Ridgedale Center sign plan.
- 6. The city council may reasonably add or revise conditions to address any unforeseen problems.
- 7. Any change to the approved use that results in a significant increase or a significant change in character may require additional review.
- 8. Construction must begin by Feb. 8, 2022, unless a time extension is granted.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Feb. 8, 20	)21
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Brad Wiersum, Mayor
Attest:
Becky Koosman, City Clerk
Action on this resolution:
Action on this resolution.
Motion for adoption:

Seconded by: Voted in favor of: Voted against: Abstained:

Absent: Resolution adopted.
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on Feb. 8, 2021.
Becky Koosman, City Clerk

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Resolution No. 2021-

## City Council Agenda Item #14B Meeting of Feb. 8, 2021

**Brief Description:** Diversity, equity and inclusion update

**Recommended Action:** Provide feedback on proposed task force and new staff position

## **Background**

Last summer and fall, the city council had extensive discussions regarding diversity, equity and inclusion (DE&I). The council added a strategic priority on community inclusiveness to the city's updated strategic profile, and Bill Wells facilitated conversations on the topic at several council study sessions. Funding for DE&I efforts was allocated in the city's 2021 annual budget. This report provides an update on city activities and seeks city council guidance on several next steps.

#### Boards and commissions recruitment

A key strategy in the strategic profile is to "Foster an inclusive boards and commissions recruitment process to increase diversity". Under city council guidance, staff updated the online application and significantly expanded outreach in promoting vacancies. A total of 129 applications were received for the park board, planning commission, senior advisory board, EDAC and new sustainability commission. Twelve percent of the applicant pool identified as non-white or BIPOC (Black, Indigenous, people of color).

The city council interviewed candidates on Jan. 11 and Feb. 1, with additional interviews scheduled on Feb. 8 and 22 and Mar. 8. Several interview questions probed candidates about their thoughts on diversity and inclusivity. The council will evaluate the effectiveness of the revised process at an upcoming meeting in the spring.

## Internal organizational efforts

The city's Internal Diversity Committee (IDC) formed in last summer and is comprised of more than 20 employees representing all city departments. Facilitated by Root'D Relations, the group meets monthly to increase intercultural competency among staff and promote our core value of inclusivity across all departments. Root'D also collaborates with the city's leadership team to ensure these efforts are cohesive and include appropriate support from the top.

A comprehensive resource library of helpful resources is being compiled – articles, videos, books and more – to guide employees as they explore various topics. An example of connecting employees to these resources was prior to the Martin Luther King Jr Holiday, in which a series of articles, children's activities and events celebrating the holiday were added to the library hosted on the city's internal intranet.

Employees are currently participating in a cultural competency assessment that will guide discussion of a strategic planning subcommittee. Other subgroups are forming to facilitate the city's development of an equity index or toolkit that will analyze city projects, programs, policy

review and initiatives through a critical lens, along with workforce engagement and other organizational training and strategies.

## **Just Deeds Project**

The City of Golden Valley's Human Rights Commission launched the Just Deeds project in July 2020, and it is now expanding to interested cities. Residents in participating cities are able to contact the city to find out whether a racially restrictive covenant appears in the historic title records for their properties. The city serves as a coordinator, putting the resident in touch with volunteer attorneys who verify whether there is any historic covenant. If there is a covenant, the volunteer attorney prepares an instrument to discharge the covenant from the title.

Although racially discriminatory covenants have not been enforceable for decades, legislation enacted in 2019 allows property owners to remove these covenants from their property. City staff will bring a resolution to the city council on Feb. 22 to join the Just Deeds project, making that project available to Minnetonka residents. The city's communications team will promote this opportunity to residents using the city's various communications tools.

## **Community engagement platform**

In recent years, new technology has emerged that allows governments and businesses to reach more people, cultivate their ideas, and guide decision making based on real-time data. The city's communications division began researching these tools in 2020 by examining the city's current platform (Minnetonka Matters), vetting various products and vendors, and talking with staff in area cities about their experiences with these tools.

Staff is nearing a decision on selecting a new platform that engages communities through a wide array of tools from discussion forums, surveys, polling, Q&A tools, crowdsourced ideation, online mapping and placemaking tools, and storytelling. Although multiple city departments are interested in accessing this software to complement their work, an early outreach effort would focus on inclusivity. Especially promising is the ability to engage populations that historically have been excluded from traditional public input processes.

## Community task force on DE&I

Another key strategy in the city's strategic profile related to community inclusiveness is to "Actively engage the community by working collaboratively to broaden policy outcomes and respond to the community's needs, views and expectations". In addition to obtaining the community engagement platform, staff is recommending the creation of a DE&I community task force.

Key objectives of the group are proposed to:

- Share and explore existing DE&I efforts and activities already occurring in Minnetonka
- Gain an understanding of community views and expectations on DE&I using community survey results and the tools available through the community engagement platform
- Review best practices in other communities

- Identify potential community partners for DE&I activities to leverage resources (e.g., nonprofits, faith community, schools, businesses)
- Recommend a DE&I vision and mission to the city council
- Identify short and long term goals

As proposed, the task force would consist of city representatives and seven to nine residents as follows:

- City representatives (mayor, city manager, police chief, police community engagement officer)
- Two representatives of the faith community
- Youth representative from Tree House
- Minnetonka Collective representative
- Several residents involved in existing law enforcement/people of color discussion group
- Local organizer of peaceful protests in Minnetonka
- Several others identified by the city council

In addition to the staff representatives, the task force would be supported by the assistant to the city manager. At a minimum, the city would contract with an outside facilitator for the group's strategic discussions. The task force would meet for about one year, at which time the city council would evaluate the need for a more formal structure. Recommendations by the task force for activities in the near term could be made to the city council at any time.

The city council is requested to discuss the task force concept and, if supportive, provide guidance to staff on the proposed objectives and membership.

## Staffing proposal

Since last summer, a small core staff team has met regularly to discuss and guide DE&I efforts. The city has relied on consultants to support the work of the Internal Diversity Committee and facilitate city council discussions. Although progress has been made, there is a great deal of work yet to be done in addressing the community inclusiveness strategic goal. With that in mind, staff is proposing to move forward with hiring our own DE&I coordinator in the next several months, as many of our peer cities have done in recent years.

This position would complement the extensive work of the police community engagement officer. Job duties would include coordinating learning opportunities to increase cultural competencies for city employees, city council, boards and commission members and other city volunteers; assisting city departments in identifying and removing barriers to accessing city services, facilities and activities; supporting human resources in increasing diversity of the city's workforce; supporting the DE&I community task force; coordinating community conversations on DE&I; and providing guidance in integrating greater inclusivity into city events like the farmers market and Summer Fest, plus creating new events.

Sufficient funding for a full-time DE&I coordinator is available from the 2021 budget allocation made by the city council. Unless there are objections raised by council, staff intends to proceed with recruitment for this new position.

## Recommendation

Receive update on DE&I efforts. Provide feedback on proposed DE&I task force and new staff position.

Originated by:

Geralyn Barone, City Manager

## City Council Agenda Item #14C Meeting of Feb. 8, 2021

Brief Description: Resolution adopting the Opus Alternative Urban Areawide Review

and Mitigation Plan

**Recommended Action:** Adopt the resolution

## **Background**

The Opus area was developed in the 1970s with the vision of becoming a walkable live/work community with a range of housing and employment options. Many of the original vision's commercial goals have come to fruition, but until more recently, a limited amount of housing was built. The business park, along with much of its infrastructure, is nearing 40 years old and is experiencing new development pressure due to light rail and the desirability of living and working in Minnetonka.

The city was aware that the age of the existing buildings and the introduction of light rail would bring redevelopment interest and investment. To that end, the city has been working on comprehensive planning for land use guidance, capital improvement planning for infrastructure improvements, creation of new public space designs, public realm guidelines, and now, environmental review.

The most recent redevelopment investments have been the Dominium and Rize Apartment buildings. Since 2018, 814 new housing units have either been built or are now under construction. Currently, several developers have provided preliminary concepts for redeveloping various parcels within Opus, which envisions 1,400 new prospective housing units (with proposals under or about to be under review). Additional commercial and retail development is also anticipated.

Currently, Opus contains approximately 135 businesses, 14,000 employees and is home to over 2,000 existing residents.

## Alternative Urban Areawide Review (AUAR)

If the proposed redevelopment projects occur, development projects of this type could trigger state-required Environmental Assessment Worksheet studies (EAW's) for each development, depending on each size. Conducting separate environmental assessments is inefficient and doesn't seem to address issues more holistically. A more coordinated, consistent evaluation helps review all items affected by the proposed development. The study allows governments to understand the cumulative environmental and infrastructure implications of projected development scenarios within a given area and provides measures for mitigating those impacts.

The analysis is in-depth and reviews potential issues in the following areas:

- Land use
- Grasslands, wetlands, woodlands, etc.
- Fish, wildlife, and ecologically sensitive resources

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- Water resources and water use
- Wastewater and stormwater impacts
- Traffic
- Soil conditions
- Emissions
- Dust, odor, noise
- Historic preservation
- Visual impacts
- Compatibility with existing plans

When the study is complete, an AUAR analysis produces a mitigation plan. The mitigation plan identifies methods to avoid, minimize, or mitigate identified environmental or infrastructural impacts as future development takes place. Future development projects' conformance with the AUAR mitigation plan should not require the need to conduct an additional environmental review. The AUAR satisfies the thresholds for environmental review as required by the state.

This study does not end review for the area; instead, it sets a baseline for understanding the potential environmental effects of future development. Further capital improvement planning, financial planning, and development planning will occur within Opus. As an example for capital improvement planning, identified roadway improvements are planned to be included in the city's next Capital Improvement Plan (CIP) as an "unfunded" page. This page will state the cost of improvements and will allow for future funding sources to be identified, likely through development. The AUAR also does not exempt a development project from undergoing the city's formal development review process, other engineering and land-use analyses. Any future project proposal within Opus will be required to go through the city's development review process.

## **Key Findings**

The study bases its findings on two development scenarios within Opus. Scenario 1, which serves as a baseline, is projected development within Opus, as outlined in the 2040 Comprehensive Plan. The second, more "intensive" scenario anticipates development within Opus that exceeds the 2040 Comprehensive Plan projections.

Scenario 1 assumes that development occurs within the framework in the 2040 Comprehensive Plan, using employment, housing, and other land-use data. The analysis found that if future development occurs within the projections of the 2040 Comp Plan, major infrastructure improvements will not be needed. This finding was further verified by the other governing agencies through the received comments in Appendix B of the AUAR Report. Scenario 1 accommodates a future population of approximately 3,550 people and about 16,500 jobs.

Scenario 2 builds on the baseline of Scenario 1. To take advantage of transit orientated designs afforded by the construction of the Opus Station, Scenario 2 increases the office and high-density residential land uses' acreages and intensities. The additional office and high-density residential land uses increases generally result in reductions in the industrial land uses. Additional demands on infrastructure systems would be generated. Existing water and sanitary sewer systems can currently accommodate anticipated flows. However, roadway system improvements would be required for development exceeding Scenario 1. These mitigation

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improvements are identified along Shady Oak Road and along Bren Road near TH 169, as shown in the AUAR. Additional study would occur as development arises to plan accordingly for the timing of identified roadway improvements. Scenario 2 accommodates a future population of approximately 7,350 people (about 3,800 more people than Scenario 1) and about 22,200 jobs (about 5,700 more jobs than Scenario 1).

#### **Prior Council Discussion**

The city council first discussed conducting an AUAR within Opus at its regular meeting on <u>Jan. 27, 2020</u>. Staff notified the council of a grant award from Hennepin County to cover half of the study costs and the intent to enter into a contract with WSB to conduct the AUAR analysis.

The entire AUAR process must be completed within 120 days of the first submission to the Minnesota Environmental Quality Board (EQB) for review. Because of the complexity of the study, it is not feasible to complete the study within 120 days as required. When conducting an AUAR, it is common for cities to complete a majority of the analysis before formally requesting the study. This allows an adequate level of analysis and adherence to the 120-day timeframe. The city council officially authorized the study at its Oct. 12, 2020 regular meeting, although the majority of the work was conducted over the spring and summer of 2020.

## **EQB Review and Public Engagement**

On Oct. 26, 2020, the draft AUAR report was distributed to various state and federal agencies and posted for public comment. The 30-day review period provides these reviewers to provide comments to the city. While not a requirement of the official review process, the city also distributed the document to Nine Mile Creek Watershed District and the cities of Edina, Hopkins, and Eden Prairie. Additionally, staff made the draft available for comment by Minnetonka residents through GovDelivery notification system and the study project page on the city's website during the 30-day review period. The resident comments with staff responses are attached to this report.

An AUAR analysis is valid for five years. Once the five year period has elapsed, an update is required.

## **Planning Commission Hearing**

The planning commission reviewed and provided comments on the final AUAR report on Jan. 21, 2021. While no official action was required, the commission commented that the AUAR was a helpful document for understanding future development. As noted in the meeting minutes, the commission had a few questions related to Scenarios 1 and 2, implications for development proposals, and the triggers for identified improvements.

## Recommendation

Staff recommends the city council approve the resolution adopting the Opus Alternative Urban Areawide Review and Mitigation Plan.

Submitted through:

oubject. Opus AOAR

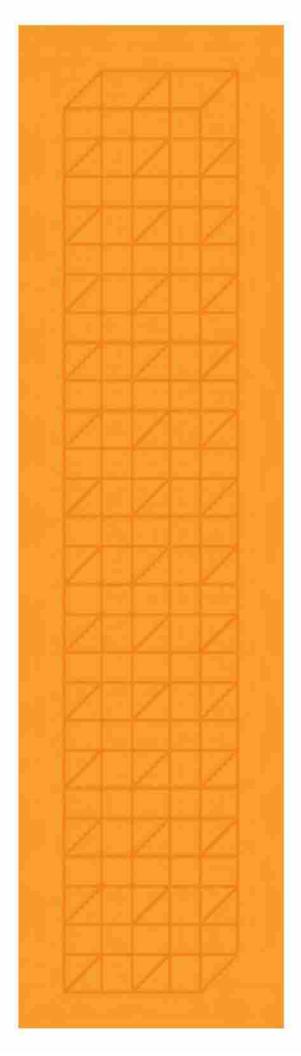
Geralyn Barone, City Manager Julie Wischnack, AICP, Community Development Director Will Manchester, PE, Director of Public Works Phil Olson, PE, City Engineer

## Originated by:

Loren Gordon, AICP, City Planner Rob Hanson, Economic Development Coordinator

## **Attachments**

Final Report Agency Comments AUAR Process Steps FAQ Resident Comments





# FINAL ALTERNATIVE URBAN AREA REVIEW

## **OPUS STUDY AREA**

MINNETONKA, MN

DECEMBER 2020

Prepared for: City of Minnetonka 14600 Minnetonka Blvd. Minnetonka, MN 55345

WSB PROJECT NO. 015490-000



# FINAL ALTERNATIVE URBAN AREAWIDE REVIEW OPUS AREA

**Prepared For:** 

## **CITY OF MINNETONKA**

December 2020

By:



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## I. EXECUTIVE SUMMARY

#### 1) INTRODUCTION/BACKGROUND

The Opus Study Area is approximately 580 acres located in the southeastern corner of the City of Minnetonka that is general bounded by TH 62 and the City of Eden Prairie to the south, TH 169 and the City of Edina to the east, Smetana Road and the City of Hopkins to the north, and Shady Oak Road (Hennepin County Road 61) and the western edge of Section 36 to the west (**Figure 5-1 to 5-3**).

The Opus AUAR includes the review of two development scenarios. Scenario 1 is generally consistent with the City's 2040 Comprehensive Plan and Scenario 2 is reflects land use development that is more intense than Scenario 1 and that would be supported by the construction of the Opus Station of the Green Line Light Rail Transit (LRT). A description of each scenario's type and intensity of development follows:

## Scenario 1 (Figure 6-1)

Scenario 1 contains developments of medium density residential (i.e. townhomes), high density residential (i.e. apartments and condominiums), commercial (i.e. restaurants, retail, daycare, etc.), two hotels, industrial (i.e. bulk warehousing and light manufacturing), institutional (i.e. schools and cemeteries), offices, and research and development. Scenario 1 also contains the Opus Station and right-of-way for the Green Line LRT, park/open spaces, open water, and road right-of-way. The land use intensity of Scenario 1 is consistent with the 2040 Comprehensive Plan.

This scenario includes the construction of the Opus Transit Station along the Green Line LRT which would provide a transit connection with Eden Prairie to the south and west and to the Minneapolis Downtown to the north and east. There is one planned new north-south running public roadways that would be constructed to the east of the LRT line and west of Green Oak Drive within the study area that connects Bren Road West to Bren Road East. Some intersection improvements are described within the traffic mitigation section of this AUAR (Section 18.c.).

Medium density residential land is located east of Shady Oak Road and south of Bren Road while high density residential is scattered throughout the study area. The commercial uses are planned in the southwest corner of the study area nearest the interchange of Shady Oak Road and TH 62. The industrial land uses are planned in three general areas of the northwest corner, northeast corner, and along Bren Road East/Blue Circle Drive/Red Circle Drive. The office uses are generally located in the center of the study area, as well as the eastern and southern edges of the study area near the frontages of TH 169 and TH 62. The research and development land uses are located north of Bren Road West and east of Feltl Road. Scenario 1 accommodates a future population of approximately 3,550 people and about 16,500 jobs.

#### Scenario 2 (Figure 6-2)

Scenario 2 contains developments of medium density residential (i.e. townhomes), high density residential (i.e. apartments and condominiums), commercial (i.e. restaurants, retail, daycare, etc.), two hotels, industrial (i.e. bulk warehousing and light manufacturing), institutional (i.e. schools and cemeteries), offices, and research and development. Scenario 2 also contains the Opus Station and right-of-way for the Green Line LRT, park/open spaces, open water, and road right-of-way.

This scenario includes the roadway improvements and construction of the Opus Transit Station along the Green Line LRT just like Scenario 1. Some intersection improvements are described within the traffic mitigation section of this AUAR (Section 18.c.).

To take advantage of transit orientated designs afford by the construction of the Opus Station, Scenario 2 increases the office and high-density residential land uses' acreages and intensities. The additional office and high-density residential land uses increases generally result in reductions in the industrial land uses.

The medium density residential land is located east of Shady Oak Road and south of Bren Road, the same as in Scenario 1. The high density residential is planned to be scattered throughout the study area while there are an additional 12 parcels planned for redevelopment into high density residential in the south-central portion of the study area. The commercial uses are planned in the southwest corner of the study area nearest the interchange of Shady Oak Road and TH 62, the same as in Scenario 1. The industrial land uses are located in two general areas of the northwest corner and northeast corner, while one parcel southwest corner of the Bren Road East and Yellow Circle Drive remains industrial. The office uses are generally located in the center of the study area, as well as the eastern and southern edges of the study area near the frontages of TH 169 and TH 62. The research and development land uses are located north of Bren Road West and east of Feltl Road. Scenario 2 accommodates a future population of approximately 7,350 people (about 3,800 more people than Scenario 1) and about 22,200 jobs (about 5,700 more jobs than Scenario 1).

Areas of traditional suburban growth have emerged over the past 45 years within the study area and surrounding areas. The development patterns in these areas are consistent with development patterns found in southwestern Hennepin County within the I-494 and I-694 loop. **Table 9-1** displays the existing mix of uses within the study area. **Table 9-2** displays the uses of Scenario 1 which closely follows the implementation of the 2040 Comprehensive Plan and is described in more detail in Section 6.a. **Table 9-3** displays the uses of Scenario 2 which intensifies the high-density residential and offices uses as compared to Scenario 1 to maximize the investment of the LRT transit line and station within the study area and is described in more detail in Section 6.a.

## **Existing Parks, Trails and Recreational Areas within Opus**

## **Existing Trails**

The existing trails within the Opus project boundary include six miles of shared-used paved trails throughout the campus. Most trails are separated from vehicle traffic with a series of road underpasses. The existing trail loops through open spaces and ponds are popular with residents and employees at the campus. Other existing local trails, including those along Shady Oak Road, connect into the Opus property from the surrounding cities of Hopkins, Edina and Eden Prairie. Refer to **Figure 9.3** for the Existing and Planned Trail Network Map.

#### **Existing Parks**

The only existing public park within the Opus project boundary includes the 8.6-acre Green Circle Park, owned and managed by the City of Minnetonka. The park includes a picnic shelter, tables, and paved trails around Annie's Pond with benches for seating. The trail connects to the extensive paved trail network within the Opus campus. The City of Minnetonka also owns a 48-acre open space with wetlands on the north portion of the Opus campus.

#### 2) INFRASTRUCTURE PLANNED TO SERVE THE DEVELOPMENT

If future development occurs as proposed under Scenarios 1 or 2, new or reconstructed utilities, roads and other infrastructure will be needed to serve the AUAR area. The Comprehensive Plan and this AUAR identify the infrastructure needed to support the varying levels of development identified in the Scenarios. Infrastructure needs are discussed in greater detail under the response to AUAR Items: 11.B.i. – Water Resources – Wastewaters, 11.B.ii. – Water Resources – Surface Water Runoff, 11.B.iii. – Water Resources – Water Appropriations and 21 – Traffic.

## 3) ANTICIPATED DEVELOPMENT STAGING

The City is required to update its Comprehensive Plan decennially. The 2050 Comprehensive Plan will determine if there will be additional development stages within the study area. The 2050 Comprehensive Plan is expected to be completed in 2029.

In anticipation of the construction of the LRT transit line and station within the study area, a number of high-density residential and mixed-use development have been proposed and/or constructed within the study area. Environmental reviews required for those development that met the mandatory EQB thresholds. All developments recently completed or under construction have been included in the existing conditions analysis.

## II. SUMMARY OF MITIGATION MEASURES

Pursuant to Minnesota Rules, mitigation measures have been developed as part of the AUAR. These measures would apply to any proposed development that may occur over time within the study area.

## 1) Compatibility with Land Use Regulations Mitigation Plan

 If the Opus study area develops as shown in Scenario 2, an amendment to the City of Minnetonka's Comprehensive Plan will need to be prepared and approved.

## 2) Contamination/Hazardous Materials/Wastes Mitigation Plan

- If contamination is encountered during project grading or development, grading activities will be suspended until material can be characterized and then disposed on in conformance with state requirements.
- ii. The municipal waste hauler company will make residential and commercial recycling programs available to the area. General municipal waste will be removed by these waste hauler companies.
- iii. Hazardous waste spills will be reported immediately to emergency response agencies via emergency dispatch service and addressed in conformance with state requirements.
- iv. For all gas stations with underground tanks, annual licensing from the MPCA will be needed.
- v. Any business or institutional uses that use or store petroleum or other hazardous products will be subject to local and state rules regulating such uses.

## 3) Wastewater Mitigation Plan

A secondary forcemain and generator should be installed at the Opus lift station to provide redundancy and backup power generation at a critical system facility.

## 4) Stormwater Mitigation Plan

i. It is anticipated that the constructed and/or modified ponds will continue to be used for stormwater management. It is assumed that these BMPs will provide the required rate control on parcels that will redevelop with equal or reduced impervious coverage, however, it should be noted that volume control will still be required.

The sequencing for proposed volume control BMPs is as follows:

- 1. Infiltration, including above ground or underground, or stormwater reuse
- 2. Filtration, including biofiltration or enhanced sand filters
- 3. Restricted site sequencing:
  - i. Retention of 0.55 inches of runoff from all onsite impervious surfaces
  - ii. Retention of runoff onsite to the maximum extent practicable

iii. Off-site retention and treatment elsewhere within Nine Mile Creek Watershed or the use of the NMCWD volume-banking program to achieve the required volume control and water quality requirements

## 5) Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources

- i. Implement the Mayor's Monarch Pledge.
- ii. Enforce Section 845.030 including encouraging the use of meadow vegetation and pollinator lawns.
- iii. Wetlands will need to be delineated in conformance with the Wetland Conservation Act as part of the development process. The City of Minnetonka will review and verify the wetland delineation.
- iv. Wetland impact is anticipated to be minimized to the maximum extent practical and feasible throughout the review area. If wetland impacts are proposed, wetland mitigation will be required of the project proposer pursuant to current wetland regulations and City requirements.
- v. Nine Mile Creek Watershed District will require buffers around wetlands at a width dependent upon the wetland's management classification, per their rules.
- vi. Storm water management features should incorporate native plantings of grasses, pollinator species, trees, and shrubs.
- vii. The kitten-tail (*Besseya bullii*), a State-listed endangered species, has been reported near the project site. Ideal habitat for this species consists of oak woodlands and dry prairie. Approximately 11 percent of the site includes woodlands or grasslands, and many of these areas will remain as open space under either scenario.
  - The project is located within a high-potential zone for the rusty-patched bumble bee (*Bombus affinis*). During development, stormwater management and landscape features should incorporate a variety of native pollinator species.
- viii. Tree removal within the study area that occurs as part of development will need to meet the requirements of the City's Tree Protection Ordinance.

## 6) Noise Mitigation Plan

Development adjacent to land uses that are sensitive (i.e., residential units or parks) to noise will have sufficient setbacks and landscaping within and adjacent to each specific project boundary to help minimize and mitigate the effects of the anticipated noise generated from the project.

## 7) Transportation Mitigation Plan

No mitigation is required for Scenario 1.

For Scenario 2, the following mitigation is required:

- i. Add a second right turn lane on southbound TH 169 exit ramp to Bren Road with a minimum storage of 300 feet. (Intersection 2)
- ii. Add right turn lane on southbound Smetana at Bren Road with a storage of 300 feet and convert the existing shared left and right turn lane to left turn only, thus providing two left turn only lanes. (Intersection 3) (Currently two lanes and would need to add a lane)

- iii. Add second left turn lane on Southbound Shady Oak Road at Bren Road with a minimum storage of 300 feet. Need protected left turn movements on east/west approaches to this intersection. (Intersection 6)
- iv. Add an additional left turn lane with a minimum storage of 500 feet on westbound Red Circle Drive North at the approach to Shady Oak Road, thus providing this approach with dual lefts and a right turn lane. (Intersection 7)
- v. Signalize the south intersection of Shady Oak Road and Red Circle Drive South. (Intersection 8)
- vi. At Shady Oak Road and Red Circle Drive South, allow right turns from the outside northbound through lane into Red Circle Drive. Extend the existing right turn lane all the way to the TH 62 westbound ramps intersection. (Intersection 8)
- vii. Reconfigure the Shady Oak Drive northbound approach at the TH 62 westbound ramps intersection to allow a third northbound through lane which drops into the right turn lane at Red Circle Drive. Shorten the inside left-turn lane so that only four lanes are needed under the TH 62 bridge. (Intersection 9)

With the above mitigation, an acceptable level of service can be maintained at the key intersections into the site under Scenario 2. The results of the analysis of the intersections with the above improvements for the AM and PM peak hours is shown in Tables 18-5 to 18-6.

It may be some time before these improvements are needed and they will depend on the timing and location of development. There are three general areas that account for most of the increased trip generation between Scenario 1 and Scenario 2. One of the areas is located around the Opus LRT Station site in the middle of the study area. Another is located on the south end of Blue Circle Drive. The last area is located near Shady Oak Road along Red Circle Drive. The City should monitor traffic levels as development occurs within the Opus Study Area and should do additional traffic evaluation if development in these areas exceed the Scenario 1 development levels identified to determine when the mitigation needs to be implemented.

## III. OPUS STUDY AREA AUAR

## 1) PROJECT TITLE

Opus Study Area

#### 2) PROPOSER

NA

#### 3) **RGU**

City of Minnetonka Rob Hanson, Economic Development Coordinator 14600 Minnetonka Boulevard Minnetonka, MN 55345 <u>rhanson@minnetonkamn.gov</u> 952-939-8234

#### 4) REASON FOR EAW PREPARATION

EQB guidance indicates no response is necessary.

#### 5) PROJECT LOCATION

County: Hennepin City/Township: City of Minnetonka Section 36 T117N, R22W

Figures 5-1 to 5-3 show the study area location.

#### 6) DESCRIPTION

a. Project Summary

The Opus Study Area is approximately 580 acres located in the southeastern corner of the City of Minnetonka that is general bounded by TH 62 and the City of Eden Prairie to the south, TH 169 and the City of Edina to the east, Smetana Road and the City of Hopkins to the north, and Shady Oak Road (Hennepin County Road 61) and the western edge of Section 36 to the west (**Figure 5-1 to 5-3**).

The Opus AUAR includes the review of two development scenarios. Scenario 1 is generally consistent with growth planning within the City's 2040 Comprehensive Plan and Scenario 2 represents an increased density scenario that could be supported by the construction of the Opus Station of the Green Line Light Rail Transit (LRT). A description of each scenario's type and intensity of development follows:

#### Scenario 1 (Figure 6-1)

Scenario 1 contains developments of medium density residential (i.e. townhomes), high density residential (i.e. apartments and condominiums), commercial (i.e. restaurants, retail, daycare, etc.), two hotels, industrial (i.e. bulk warehousing and light manufacturing), institutional (i.e. schools and cemeteries), offices, and research and development. Scenario 1 also contains the Opus Station and right-of-way for the Green Line LRT, park/open spaces, open water, and road right-of-way. The land use intensity of Scenario 1 is consistent with the 2040 Comprehensive Plan.

This scenario includes the construction of the Opus Transit Station along the Green Line LRT which would provide a transit connection with Eden Prairie to the south and west and to the Minneapolis Downtown to the north and east. There is one planned new north-south running public roadways that would be constructed to the east of the LRT line and west of Green Oak Drive within the study area that connects Bren Road West to Bren Road East. Some

intersection improvements are described within the traffic mitigation section of this AUAR (Section 18.c.).

Medium density residential land is located east of Shady Oak Road and south of Bren Road while high density residential is scattered throughout the study area. The commercial uses are planned in the southwest corner of the study area nearest the interchange of Shady Oak Road and TH 62. The industrial land uses are planned in three general areas of the northwest corner, northeast corner, and along Bren Road East/Blue Circle Drive/Red Circle Drive. The office uses are generally located in the center of the study area, as well as the eastern and southern edges of the study area near the frontages of TH 169 and TH 62. The research and development land uses are located north of Bren Road West and east of Feltl Road. Scenario 1 accommodates a future population of approximately 3,550 people and about 16,500 jobs.

Table 6-1 summarizes Scenario 1.

Table 6-1: Scenario 1

LAND USE	GROSS ACREAGE	%	NET ACREAGE	UNITS	RESIDENT POPULATION	BUILDING SF	EMPLOYEES
MEDIUM DENSITY RESIDENTIAL (4-12 DU/AC)	12.6	2.2%	10.1	74	178	N/A	N/A
HIGH DENSITY RESIDENTIAL (Above 12 DU/AC)	77.0	13.3%	61.6	2,408	3,371	N/A	N/A
COMMERCIAL	7.1	1.2%	5.7	N/A	N/A	125,531	279
GREEN LINE LRT	7.8	1.3%	6.2	N/A	N/A	N/A	N/A
HOTEL	11.1	1.9%	8.9	511	N/A	278,806	159
INDUSTRIAL	93.6	16.1%	74.9	N/A	N/A	1,532,114	1,393
INSTITUTIONAL	49.0	8.5%	39.2	N/A	N/A	480,282	320
OFFICE	175.0	30.2%	140.0	N/A	N/A	3,937,374	13,125
RESEARCH & DEVELOPMENT	28.8	5.0%	23.0	N/A	N/A	455,012	1,300
OPEN SPACE	59.4	10.2%	59.4	N/A	N/A	N/A	N/A
OPEN WATER	16.9	2.9%	16.9	N/A	N/A	N/A	N/A
RIGHT-OF-WAY (COLLECTORS AND ARTERIALS)	42.0	7.2%	42.0	N/A	N/A	N/A	N/A
TOTAL	580.3	100.0%	487.9	2,993	3,549	6,809,119	16,576

## Scenario 2 (Figure 6-2)

Scenario 2 contains developments of medium density residential (i.e. townhomes), high density residential (i.e. apartments and condominiums), commercial (i.e. restaurants, retail, daycare, etc.), two hotels, industrial (i.e. bulk warehousing and light manufacturing), institutional (i.e. schools and cemeteries), offices, and research and development. Scenario 2 also contains the Opus Station and right-of-way for the Green Line LRT, park/open spaces, open water, and road right-of-way.

This scenario includes the roadway improvements and construction of the Opus Transit Station along the Green Line LRT, just like Scenario 1. Some intersection improvements are described within the traffic mitigation section of this AUAR (Section 18.c.).

To take advantage of transit orientated designs afford by the construction of the Opus Station, Scenario 2 increases the office and high-density residential land uses' acreages and intensities. The additional office and high-density residential land uses increases generally result in reductions in the industrial land uses.

The medium density residential land is located east of Shady Oak Road and south of Bren Road, the same as in Scenario 1. The high density residential is planned to be scattered throughout the study area while there are an additional 12 parcels planned for redevelopment into high density residential in the south-central portion of the study area. The commercial uses are planned in the southwest corner of the study area nearest the interchange of Shady Oak Road and TH 62, the same as in Scenario 1. The industrial land uses are located in two general areas of the northwest corner and northeast corner, while one parcel southwest corner of the Bren Road East and Yellow Circle Drive remains industrial. The office uses are generally located in the center of the study area, as well as the eastern and southern edges of the study area near the frontages of TH 169 and TH 62. The research and development land uses are located north of Bren Road West and east of Feltl Road. Scenario 2 accommodates a future population of approximately 7,350 people (about 3,800 more people than Scenario 1) and about 22,200 jobs (about 5,700 more jobs than Scenario 1).

Table 6-2 summarizes Scenario 2.

Table 6-2: Scenario 2

LAND USE	GROSS ACREAGE	%	NET ACREAGE	UNITS	RESIDENT POPULATION	BUILDING SF	EMPLOYEES
MEDIUM DENSITY RESIDENTIAL (4-12 DU/AC)	12.6	2.2%	10.1	74	178	N/A	N/A
HIGH DENSITY RESIDENTIAL (Above 12 DU/AC)	116.7	20.1%	93.4	5,113	7,158	N/A	N/A
COMMERCIAL	12.2	2.1%	9.7	N/A	N/A	199,628	444
GREEN LINE LRT	7.8	1.3%	6.2	N/A	N/A	N/A	N/A
HOTEL	11.1	1.9%	8.9	416	N/A	228,386	131
INDUSTRIAL	59.4	10.2%	47.5	N/A	N/A	667,692	607
INSTITUTIONAL	39.8	6.9%	31.9	N/A	N/A	337,029	225
OFFICE	173.6	29.9%	138.9	N/A	N/A	5,955,905	19,853
RESEARCH & DEVELOPMENT	28.8	5.0%	23.0	N/A	N/A	327,506	936
OPEN SPACE	59.4	10.2%	59.4	N/A	N/A	N/A	N/A
OPEN WATER	16.9	2.9%	16.9	N/A	N/A	N/A	N/A
RIGHT-OF-WAY (COLLECTORS AND ARTERIALS)	42.0	7.2%	42.0	N/A	N/A	N/A	N/A
TOTAL	580.3	100.0%	487.9	5,603	7,336	7,716,146	22,195

## b. Description of Proposed Project

If future development occurs as proposed under Scenarios 1 or 2, new or reconstructed utilities, roads, and other infrastructure will be needed to serve the AUAR area. The City's Comprehensive Plan and this AUAR identify the infrastructure needed to support the varying levels of development identified in the Scenarios. Infrastructure needs are discussed in greater detail under the response to AUAR Items: 11.b.i. – Water Resources – Wastewaters, 11.b.ii. – Water Resources – Water Appropriations and 21 – Traffic.

### c. Project Magnitude

The redevelopment of Opus Study Area is expected to occur over the next 20 years depending on market conditions and overall development demand. The timing of development will also be influenced by the timing of construction for required infrastructure improvements both locally and regionally. The frequency, operation, and maintenance of the transit and LRT station within the study area may also influence the timing of the full build-out of the Opus Park property.

**Table 6-3: AUAR Scenario Intensities** 

Change from Existing to Scenario 1					Change from Scenario 1 to Scenario 2			
LAND USE	UNITS	RESIDENTS	BUILDING SF	EMPLOYEES	UNITS	RESIDENTS	BUILDING SF	EMPLOYEES
HIGH DENSITY RESIDENTIAL (Above 12 DU/AC.)	732	1,025	0	0	3,437	4,812	0	0
COMMERCIAL	0	0	25,903	58	0	0	100,000	222
GREEN LINE LRT	0	0	0	0	0	0	0	0
HOTEL	95	0	50,420	29	0	0	0	0
INDUSTRIAL	0	0	509,165	463	0	0	-355,257	-323
INSTITUTIONAL	0	0	46,510	31	0	0	-96,743	-64
OFFICE	0	0	785,302	2618	0	0	2,803,833	9,346
RESEARCH & DEVELOPMENT	0	0	226,606	647	0	0	99,100	283
TOTAL	827	1,025	1,643,906	3845	3,437	4,812	2,550,933	9,464

## d. Project Purpose

Both development scenarios will provide a greater balance of employment and residential uses within the study area creating a higher and better use. The hourly traffic distribution will be more balanced than with the existing development and therefore the planned infrastructure within the study area will be used more efficiently. Scenario 2 has a greater amount of high-density residential units, office, and research and development space than Scenario 1 to recognize the potential redevelopment activity that can be supported by the LRT transit station within the study area.

## e. Future Stages of Development

The AUAR study area comprehends future potential land use. No additional future stages are currently planned but would be revisited through the City's Comprehensive Plan process in the future.

## f. Subsequent Stages of the Project

In anticipation of the construction of the LRT transit line and station within the study area, a number of high-density residential and mixed-use development have been proposed and/or constructed within the study area. Environmental reviews required for those development that met the mandatory EQB thresholds. All developments recently completed or under construction have been included in the existing conditions analysis.

## 7) COVER TYPES

To assess cover types on the Opus Study Area, data was obtained from the Minnesota Land Cover Classification System (MLCCS). The data is based on an aerial photograph review (see **Figure 7-1**).

Table 7-1: Land Cover

Cover Type	Acreage	% Coverage
5-10% Impervious	14.6	2.5
26-50% Impervious	16.9	2.9
76-100% Impervious	417.8	71.9
Forest	56.6	9.7
Maintained Tall Grass	2.7	0.5
Short Grasses	8.9	1.5
Wetland Emergent Vegetation	42.8	7.4
Wetland Open Water	17.3	3.0
Wetland Shrubs	3.2	0.6
TOTAL:	580.8	100

- Wetlands: Based on the National Wetlands Inventory database, the existing site contains approximately 63 acres of wetland. Six DNR Public Waters are located within the site. Some of the wetlands within the Opus Study Area are located amongst highly developed areas, but still may provide some habitat for species accustomed to disturbance. Approximately 45 of the 63 acres of wetland are contained within the north-central portion of the site. Figure 7-2 shows the National Wetlands Inventory wetlands within the study area.
- <u>Forest and Woodland Communities:</u> Based on the Hennepin County Minnesota Land Cover Classification System (MLCCS), approximately 56.6 acres of forest or woodland communities exist on the site. Many of these wooded areas are planted and serve as landscaping between buildings and surrounding open space around parks and wetlands. Lone Lake Park is approximately two miles from the Opus along Shady Oak Road and contains a mesic hardwood forest rare plant community.
- <u>Grassland/Shrubland:</u> Based on the Hennepin County MLCCS, approximately 11.6 acres of grassland and mixed shrubland exist within the site.
- Agricultural Areas: No agricultural areas exist within the site boundaries.
- <u>Surrounding Resources:</u> The land that borders the site to the north, east, and west is highly developed commercial and urban/residential land uses.

The resulting impacts on land cover types are almost identical on both concepts. Open space corridors that are integral to the future development pattern have been identified based on natural resource data. Accordingly, almost all of the existing wetlands, forest areas, and substantial areas of herbaceous cover lie within open space corridors are intended to be preserved.

## 8) PERMITS AND APPROVALS

It is anticipated similar permits and approvals will be needed for both scenarios. Development within the study area will be funded through developers' funds. Mitigation will include the need for development in the area to obtain the required permits and adhere to permitting stipulations.

Table 8-1: List of Permits and Approvals

Federal	Permit/Approval
US Army Corps of Engineers	Section 404 Permit
State	Permit/Approval
Pollution Control Agency	NPDES Storm Water Permit
Pollution Control Agency	Sanitary Sewer Permit
Pollution Control Agency	Section 401 Water Quality Certification Permit, if Section 404 Individual Permit is needed
Pollution Control Agency	Approval of remediation and cleanup plans, as applicable
Department of Natural Resources	Temporary dewatering for construction (Public Works Permit)
Department of Health	Well sealing / abandonment permit
Department of Health	Well construction
Department of Health	Monitoring well permit
Department of Health	Watermain plan review
Department of Health	Public Water Supply Certification
Department of Health	Asbestos abatement/removal
State Historic Preservation Office	Coordination, if federal permits are needed with development
MnDOT	State Aid approval
MnDOT	Work in right-of-way permit, if applicable
MnDOT	Curb-cutting permits
Regional/ County/ Local	Permit/Approval
City of Minnetonka	Comprehensive Plan amendment for Scenario 2
City of Minnetonka	Wetland Conservation Act approval
City of Minnetonka	Preliminary and final plat approvals
City of Minnetonka	Building permits
City of Minnetonka	Rezoning or text amendments for scenarios
City of Minnetonka	Floodplain permitting
Nine Mile Creek Watershed District	Floodplain Alteration
Nine Mile Creek Watershed District	Erosion and Sediment Control
Nine Mile Creek Watershed District	Stormwater Management
Nine Mile Creek Watershed District	Wetland Management
Nine Mile Creek Watershed District	Appropriation of Public Surface Waters
Metropolitan Council	Comprehensive Plan amendments for Scenario 2
Metropolitan Council	Review of new sanitary sewer plans

Hennepin County	Approval of county road improvements
Hennepin County	Access permits
Hennepin County	Conformance with County Ordinances, where applicable

#### 9) LAND USE

## a. Existing and Planned Land Uses and Zoning

The Opus Study Area is comprised of 202 parcels. The parcel sizes vary from about 0.04 acres to 49.07 acres in size with a mean size of 2.67 acres. Developed uses on the parcels include the townhomes, apartments, condominiums, restaurants, retail, daycares, hotels, bulk warehousing, light manufacturing, research and development, offices, schools, and a cemetery. **Figures 9.1 and 9.2** shows the existing land use of the parcels and the existing building footprints within the study area.

Areas of traditional suburban growth have emerged over the past forty-five years within the study area, with developments to the north in the City of Hopkins and the west in the City of Edina started developing about five years earlier while development to the south within the City of Eden Prairie and to the west within Minnetonka started about five years later. The development patterns in these areas are consistent with development patterns found in southwestern Hennepin County within the I-494 and I-694 loop.

**Table 9-1** displays the existing mix of uses within the study area. **Table 9-2** displays that uses of Scenario 1 which closely follows the implementation of the 2040 Comprehensive Plan and is described in more detail in Section 6.a. **Table 9-3** displays the uses of Scenario 2 which intensifies the high-density residential and offices uses to maximize the investment of the LRT transit line and station within the study area and is described in more detail in Section 6.a.

Table 9-1: Existing Land Uses

LAND USE	GROSS ACREAGE	%	UNITS	RESIDENT POPULATIO N	BUILDING SF	EMPLOYEES
MEDIUM DENSITY RESIDENTIAL (4-12 DU/AC.)	12.6	2.2%	74	178	N/A	N/A
HIGH DENSITY RESIDENTIAL (Above 12 DU/AC.)	73.8	12.7%	1,676	2,346	N/A	N/A
COMMERCIAL	7.1	1.2%	N/A	N/A	99,628	221
GREEN LINE LRT	7.8	1.3%	N/A	N/A	N/A	N/A
HOTEL	11.1	1.9%	416	N/A	228,386	131
INDUSTRIAL	93.6	16.1%	N/A	N/A	945,733	860
INSTITUTIONAL	49.0	8.5%	N/A	N/A	510,988	341
OFFICE	178.2	30.7%	N/A	N/A	3,152,072	10,507
RESEARCH & DEVELOPMENT	28.8	5.0%	N/A	N/A	228,406	653
OPEN SPACE	59.4	10.2%	N/A	N/A	N/A	N/A
OPEN WATER	16.9	2.9%	N/A	N/A	N/A	N/A
RIGHT-OF-WAY (COLLECTORS AND ARTERIALS)	42.0	7.2%	N/A	N/A	N/A	N/A
TOTAL	580.3	100.0%	2,166	2,524	5,165,213	12,712

Table 9-2: Scenario 1 Land Uses

Table 5 2. Cochano 1 Eana Coco							
LAND USE	GROSS ACREAGE	%	NET ACREAGE	UNITS	RESIDENT POPULATION	BUILDING SF	EMPLOYEES
MEDIUM DENSITY RESIDENTIAL (4-12 DU/AC.)	12.6	2.2%	10.1	74	178	N/A	N/A
HIGH DENSITY RESIDENTIAL (Above 12 DU/AC.)	77.0	13.3%	61.6	2,408	3,371	N/A	N/A
COMMERCIAL	7.1	1.2%	5.7	N/A	N/A	125,531	279
GREEN LINE LRT	7.8	1.3%	6.2	N/A	N/A	N/A	N/A
HOTEL	11.1	1.9%	8.9	511	N/A	278,806	159
INDUSTRIAL	93.6	16.1%	74.9	N/A	N/A	1,532,114	1,393
INSTITUTIONAL	49.0	8.5%	39.2	N/A	N/A	480,282	320
OFFICE	175.0	30.2%	140.0	N/A	N/A	3,937,374	13,125
RESEARCH & DEVELOPMENT	28.8	5.0%	23.0	N/A	N/A	455,012	1,300
OPEN SPACE	59.4	10.2%	59.4	N/A	N/A	N/A	N/A
OPEN WATER	16.9	2.9%	16.9	N/A	N/A	N/A	N/A
RIGHT-OF-WAY (COLLECTORS AND ARTERIALS)	42.0	7.2%	42.0	N/A	N/A	N/A	N/A
TOTAL	580.3	100.0%	487.9	2,993	3,549	6,809,119	16,576

Table 9-3: Scenario 2 Land Uses

LAND USE	GROSS ACREAGE	%	NET ACREAGE	UNITS	RESIDENT POPULATION	BUILDING SF	EMPLOYEES
MEDIUM DENSITY RESIDENTIAL (4-12 DU/AC.)	12.6	2.2%	10.1	74	178	N/A	N/A
HIGH DENSITY RESIDENTIAL (Above 12 DU/AC.)	116.7	20.1%	93.4	5,113	7,158	N/A	N/A
COMMERCIAL	12.2	2.1%	9.7	N/A	N/A	199,628	444
GREEN LINE LRT	7.8	1.3%	6.2	N/A	N/A	N/A	N/A
HOTEL	11.1	1.9%	8.9	416	N/A	228,386	131
INDUSTRIAL	59.4	10.2%	47.5	N/A	N/A	667,692	607
INSTITUTIONAL	39.8	6.9%	31.9	N/A	N/A	337,029	225
OFFICE	173.6	29.9%	138.9	N/A	N/A	5,955,905	19,853
RESEARCH & DEVELOPMENT	28.8	5.0%	23.0	N/A	N/A	327,506	936
OPEN SPACE	59.4	10.2%	59.4	N/A	N/A	N/A	N/A
OPEN WATER	16.9	2.9%	16.9	N/A	N/A	N/A	N/A
RIGHT-OF-WAY (COLLECTORS AND ARTERIALS)	42.0	7.2%	42.0	N/A	N/A	N/A	N/A
TOTAL	580.3	100.0%	487.9	5,603	7,336	7,716,146	22,195

### Existing Parks, Trails, and Recreational Areas within Opus

## **Existing Trails**

The existing trails within the Opus project boundary include six miles of shared-used paved trails throughout the campus. Most trails are separated from vehicle traffic with a series of road underpasses. The existing trail loops through open spaces and ponds are popular with residents and employees at the campus. Other existing local trails, including those along Shady Oak Road, connect into the Opus property from the surrounding cities of Hopkins, Edina, and Eden Prairie. Refer to **Figure 9.3** for the Existing and Planned Trail Network Map.

#### **Existing Parks**

The only existing public park within the Opus project boundary includes the 8.6-acre Green Circle Park, owned and managed by the City of Minnetonka. The park includes a picnic shelter, tables, and paved trails around Annie's Pond with benches for seating. The trail connects to the extensive paved trail network within the Opus campus. The City of Minnetonka also owns a 48-acre open space with wetlands on the north portion of the Opus campus.

#### b. Compatibility with Plans

## Planned Parks and Trails within Opus

The Opus Area Placemaking + Urban Design Implementation Guide (referred to as "Implementation Guide"), developed in 2019 for the City of Minnetonka, plans additional park, trail, and amenity spaces within the Opus campus property. Refer to **Figure 9.4** for the Trail Loop Map and **Figure 9.5** for the Planned Opus Park Space Map.

The Implementation Guide proposes a 5.6-acre Central Plaza park space, which could be constructed after completion of the light rail station. Central Plaza will be a signature new 5.6-acre community-level park/plaza space strategically located adjacent to the Southwest LRT's Opus Station. This area will be a hub of activity and serve as the front door to the Opus area for light rail users. The proposed park is designed to host large events including concerts and farmers markets. The design of the park includes an amphitheater with a flexible open lawn, a paved plaza, an interactive fountain, wayfinding signage and kiosk, seating areas, multipurpose building, and a small fenced dog park separated from other uses.

The Implementation Guide plans for an additional 33 pedestrian and park nodes throughout the campus. The nodes range to include landscape elements (gardens, edibles), shade features, play areas, seating, drinking fountains, public art and wayfinding signage. The nodes are planned in specific locations which highlight entries, trail loop connections, scenic overlooks, natural resources or places for gathering within the campus. These nodes will need to be constructed and coordinated with private developers and businesses or at time of redevelopment.

## **Planned Trails Nearby**

Planned trail connections nearby the Opus campus include an on-street bicycle facility or shared use trail along Rowland Road (west), an eastward extension of the Nine Mile Regional Creek Trail through Edina (east) and a cycle track on the east side of Shady Oak Road (south). Refer to **Figure 9.3** for the Existing and Planned Trail Network Map. These trails may be constructed as planned or as redevelopment and roadway reconstruction occur.

## **Nearby Regional Trails**

Existing regional trails connect to the Opus property from surrounding cities of Hopkins, Edina, and Eden Prairie. Refer to **Figure 9.6** for the Regional Connections to Parks and Trails Map.

The Nine Mile Creek Regional Trail crosses TH 169 and enters the Opus campus property and heads north along Smetana Drive. The trail connects north towards the popular Cedar Lake Regional Trail in Hopkins. This regional trail heads east towards Minneapolis and the Grand Rounds trail. Portions of the Cedar Lake Regional Trail are currently closed due to construction of the Southwest Light Rail until late 2021/2022.

The paved trail running north (portion of the Nine Mile Creek Regional Trail) also connects to the Minnesota River Bluffs LRT Regional Trail in Hopkins. It is a 12-mile aggregate trail operated by Three Rivers Park District and connects to Chanhassen and Chaska.

A trail along Shady Oak Road connects the Opus campus property north to the Lake Minnetonka LRT Regional Trail. The 15-mile aggregate trail travels from Hopkins west to Victoria at Carver Park Reserve and offers scenic views of Lake Minnetonka.

## Nearby Parks and Recreation Destinations within Minnetonka and Surrounding Communities

There are several municipal and regional parks within one to two miles of the Opus boundary. Some of these parks can be accessed via trails from the Opus campus. Refer to **Figure 9.7** for the Nearby Parks and Trails Map and the Regional Connections to Parks and Trails Map.

Within the City of Minnetonka, Bryant Lake Regional Park is located approximately one mile from the Opus campus property. Also located in Minnetonka, Lone Lake Park is approximately two miles from the Opus Study Area along Shady Oak Road.

Surrounding communities also offer recreational spaces including Shady Oak Beach, located approximately 0.5 miles from the Opus Study Area along Shady Oak Road and accessible by trail. The beach is owned by the City of Hopkins but operated by the City of Minnetonka. Valley Park and the Westbrook Archery Range and are owned and managed by the City of Hopkins. Bredesen Park is located approximately 1.5 miles from the Opus Study Area and is owned and managed by the City of Edina.

#### 2040 Comprehensive Plan

The 2040 Comprehensive Plan was adopted by the City Council on January 7, 2019. Scenario 1 is in conformance with the 2040 Comprehensive Plan. If Scenario 2 is proposed as redevelopment in the future, an amendment to the Comprehensive Plan would be needed.

#### c. Measures to Mitigate Incompatibility

The proposed redevelopment land use is generally compatible with adjacent land uses. Additionally, Scenario 1 is in conformance with the Comprehensive Plan. Before any cumulative redevelopment occurs that would exceed that described in Scenario 1, the 2040 Comprehensive Plan as well as any official controls implementing the Comprehensive Plan, would need to be amended in accordance with this AUAR. Individual mitigation strategies necessary to develop at the intensities described in Scenario 2 are detailed in the Executive Summary and the individual AUAR sections.

## 10) GEOLOGY, SOILS, AND TOPOGRAPHY/LAND FORMS

## a. Geology

The study area is within New Ulm Formations and sandy till (**Figure 10-1**). For bedrock geology, the majority of the project is located in Platteville and Glenwood Formations, with a small part of the study area in St. Peter Sandstone. The project is surrounded by these same bedrock geologies as well (**Figure 10-2**. The Minnesota DNR Aggregate Resources Web Map shows that no gravel pits exist on the site. The site is not listed as a Primary or Secondary Source on the Minnesota Geologic Survey (MGS) 7-County Metro Sand and Gravel. The Minnesota Karst Lands map indicates the project within is within the Covered Karst region, which is an area underlain by carbonate bedrock but with more than 100 feet of sediment cover.

## b. Soils and Topography

The soils of the Opus Study Area are shown on Figure 10-3 and include:

- Malardi-Hawick complex, 1 to 6 percent slopes (L2B)
- Malardi-Hawick complex, 6 to 12 percent slopes (L2C)
- Malardi-Hawick complex, 18 to 35 percent slopes (L2E)
- Biscay clay loam, 0 to 2 percent slopes (L6A)
- Canisteo clay loam, 0 to 2 percent slopes (L21A)
- Lester loam, 6 to 10 percent slopes, moderately eroded (L22C2)
- Lester loam, 10 to 16 percent slopes, moderately eroded (L22D2)
- Lester loam, 10 to 22 percent slopes (L22E)
- Lester loam, morainic, 25 to 35 percent slopes (L22F)
- Cordova loam, 0 to 2 percent slopes (L23A)
- Glencoe clay loam, 0 to 1 percent slopes (L24A)
- Le Sueur loam, 1 to 3 percent slopes (L25A)
- Hamel overwash-Hamel complex, 0 to 3 percent slopes (L36A)
- Angus loam, 2 to 6 percent slopes (L37B)
- Angus-Kilkenny complex, 2 to 6 percent slopes (L40B)
- Kingsley-Gotham complex, 2 to 6 percent slopes (L42B)
- Kingsley-Gotham complex, 6 to 12 percent slopes (L42C)
- Nessel loam, 1 to 3 percent slopes (L44A)
- Dundas-Cordova complex, 0 to 3 percent slopes (L45A)
- Klossner soils, depressional, 0 to 1 percent slopes (L49A)
- Muskego and Houghton soils, 0 to 1 percent slopes (L50A)
- Angus-Moon complex 2 to 5 percent slopes (L60B)
- Lester-Metea complex, 6 to 12 percent slopes, eroded (L61C2)
- Lester-Metea complex, 18 to 25 percent slopes (L61E)
- Lester-Malardi complex, 6 to 12 percent slopes, eroded (L70C2)
- Hamel-Glencoe complex, 0 to 2 percent slopes (L132A)
- Urban land-Udorthents wet substratum complex 0 to 2 percent slopes (U1A)
- Udorthents, wet substratum, 0 to 2 percent slopes (U2A)
- Urban land-Udorthents (cut and fill land) complex, 0 to 6 percent slopes (U6B)
- Water, miscellaneous (M-W)
- Water (W)

The soils are well-drained to somewhat poorly drained. The existing site topography is relatively flat with elevations ranging from 970 feet on the southwest side of the project to 874 on the northeast.

Redevelopment projects will require moving soils and balancing the movement of soils in the most cost beneficial practice. Soil will need to be evaluated for suitability for foundation construction and stormwater management, but suitable soils can normally be used in landscape berming or on other areas of the site not requiring specific soil qualities. Development within the study area will be designed to conform with applicable state and local standards, including National Pollution Discharge Elimination System (NPDES) Construction Stormwater General Permit requirements.

## 11) WATER RESOURCES

- a. Surface Water and Groundwater Features
  - i. Surface water

Several wetlands exist on site and are shown on **Figure 7-2**, five of which are DNR Public Water wetlands. The City's classification system of the wetlands is shown on **Figure 11-1**. No lakes, streams, channels, or ditches exist on the study area.

Several lakes, wetlands, and streams exist within one mile of the project site, as shown below:

- Arrowhead Lake (50945)
- Bryant Lake (51973)
- Bredeson Lake (65314)
- Lone Lake (50986)
- Minnetoga Lake (51333)
- Mirror Lake (50552)
- Shady Oak Lake (51027, 50759)
- Several Unnamed Lakes
- Nine Mile Creek (739)

Two waterbodies, Nine Mile Creek and Bryant Lake are listed as impaired waters within the one-mile buffer. Nine Mile Creek is listed as impaired for Fishes Bioassessments. Bryant Lake is listed for Aquatic Consumption and Aquatic Life. These impairments are construction related parameters and require additional Best Management Practices if a project has a discharge point within one mile. The additional BMPs include:

- Immediate stabilization of exposed soil areas and complete stabilization within seven calendar days after construction activity in that portion of the project either temporarily or permanently ceases.
- Permittees must also provide a temporary sediment basin for common drainage areas that serves an area with five or more acres disturbed at one time.
- A mandatory Stormwater Pollution Prevention Plan (SWPPP) review is required if a project will disturb more than 50 acres and has a discharge point within one mile of, and flows to, the impaired water. The SWPPP must be submitted at least 30 days prior to the construction start date.

#### ii. Groundwater

The wetlands and open water located within the Opus Study Area indicate that shallow groundwater exists but this shallow groundwater is not used as a source of drinking water.

The depth of groundwater used for potable water sources within the Opus Study Area is 250 to 350 feet below the surface in the St. Peter and Prairie Du Chien formations. According to the Minnesota Department of Health – Minnesota Well Index, there are two

sealed wells and seven active domestic, commercial, or irrigation wells located in the Opus Study Area. Those wells are shown in **Table 11-1**.

Table 11-1: Wells Located Within the Opus AUAR Boundary

	Well ID	Elevation	Aquifer		Depth (FT)	Use	Status
1	205167	950	QWTA	Quat. Water Table Aquifer	94	Domestic	Active
2	644851	962	QBAA	Quat. Buried Artes. Aquifer	174	Domestic	Active
3	205169	967	OPDC	Prairie Du Chien Group	346	Commercial	Sealed
4	114493	927	OSTP	St. Peter	301	Domestic	Active
5	112224	909	OSPC	St. Peter - Prairie Du Chien	325	Other	Active
6	205168	935	OSTP	St. Peter	270	Domestic	Active
7	112223	919	OSPC	St. Peter - Prairie Du Chien	325	Other	Active
8	441112	925	OSTP	St. Peter	260	Domestic	Active
9	762569	902	OSTP	St. Peter	260	Irrigation	Sealed

The northwest portion of the Opus Study Area, approximately 1/3 of the total area, is located within the Drinking Water Supply Management Area (DWSMA) and Wellhead Protection Area (WHPA). This area includes wells 205167, 205169 and 644851.

The entire Opus Study Area is served by the Minnetonka municipal water system, which is supplied by 18 wells located at eight water treatment plants (WTP) across the system. WTP #13 is the closest WTP in proximity to the Opus Study Area and provides a majority of the treated water supplied to the AUAR area. Wells 13 (205165) and 13A (132263) supply raw water to WTP #13 from the Prairie du Chien and Jordan aquifers. Wells 13 and 13A are both within the DWSMA and WHPA.

The entire study area is within the Edina Drinking Water Supply Management Area (DWSMA). Areas of Low, Moderate, and High vulnerability exist within the Opus site (**Figure 11-2**).

- Project Effects on Water Resources and Measures to Minimize or Mitigate the Effects
   Wastewater
  - 11. b. i. a) Publicly Owned Wastewater Treatment System

The entire Opus Study Area is served by the Minnetonka municipal sanitary sewer collection system. The system conveys flow via gravity sewer lines and the Opus lift station to the Metropolitan Council interceptor system and eventually to the Blue Lake Wastewater Treatment Plant (Metropolitan Council: **Figure 11-3**). Blue Lake provides mechanical, biological, and chemical treatment to the wastewater before discharging it into the Minnesota River. The plant currently treats an average of 27 million gallons of wastewater per day and has a capacity of 32 million gallons per day.

Analysis was conducted to determine the existing wastewater flows generated from the Opus Study Area. Existing land use, water use records and sanitary sewer flow monitoring data were utilized to determine the existing wastewater flows by land use (**Table 11.2**). The analysis assumed the following conditions:

- Medium Density Residential: 6 dwellings per acre, 2.4 people per dwelling
- High Density Residential
  - a. Existing: 24 dwellings per acre, 1.4 people per dwelling

- b. Scenario 1: 32 dwellings per acre, 1.4 people per dwellingc. Scenario 2: 44 dwellings per acre, 1.4 people per dwelling
- Commercial: 1 employee per 450 square feet
- Hotel: 1 employee per 1,750 square feet
- Industrial: 1 employee per 1,100 square feet
- Institutional: 1 employee per 1,500 square feet
- Office: 1 employee per 300 square feet
- Research and Development: 1 employee per 350 square feet

**Table 11-2: Existing Wastewater Flows** 

LAND USE	Usage per Unit (gpcd)	Average Day Flow (ADF) (gpd)	Peak Hourly Factor	Peak Hourly Flow (PHF) (gph)
MEDIUM DENSITY RESIDENTIAL (4-12 DU/AC.)	50	9,095	4.0	1,516
HIGH DENSITY RESIDENTIAL (Above 12 DU/AC.)	50	123,983	3.9	20,147
COMMERCIAL	15	3,321	4.0	553
GREEN LINE LRT				
HOTEL EMPLOYEES	15	1,958	4.0	326
HOTEL ROOMS	50	20,800	4.0	3,467
INDUSTRIAL	120	103,171	4.0	17,195
INSTITUTIONAL	15	5,110	4.0	852
OFFICE	10	105,069	4.0	17,512
RESEARCH & DEVELOPMENT	15	9,789	4.0	1,631
OPEN SPACE				
OPEN WATER	_			
RIGHT-OF-WAY (COLLECTORS AND ARTERIALS)				
Total Existing Wastewater Flow (2019)		382,296	3.6	57,344

Based on the wastewater data, the Opus Study Area currently generates an Average Daily Flow (ADF) of 382,300 gallons per day (gpd) and a Peak Hourly Flow (PHF) of 57,350 gallons per hour (gph).

The proposed development for Scenario 1 and Scenario 2 were incorporated into the analysis to identify the additional sanitary sewer flows anticipated from the two individual development scenarios (**Tables 11-3 and 11-4** respectively).

**Table 11-3: Scenario 1 Wastewater Flows** 

LAND USE	Usage per Unit (gpcd)	Average Day Flow (ADF) (gpd)	Peak Hourly Factor	Peak Hourly Flow (PHF) (gph)
MEDIUM DENSITY RESIDENTIAL (4-12 DU/AC.)	50	9,095	4.0	1,516
HIGH DENSITY RESIDENTIAL (Above 12 DU/AC.)	50	172,492	3.9	28,030
COMMERCIAL	15	4,184	4.0	697
GREEN LINE LRT				
HOTEL EMPLOYEES	15	2,390	4.0	398
HOTEL ROOMS	50	25,550	4.0	4,258
INDUSTRIAL	120	167,140	3.9	27,160
INSTITUTIONAL	15	4,803	4.0	800
OFFICE	10	131,246	3.9	21,327
RESEARCH & DEVELOPMENT	15	19,501	4.0	3,250
OPEN SPACE				
OPEN WATER				
RIGHT-OF-WAY (COLLECTORS AND ARTERIALS)	_		_	
Total Comp Plan Scenario Wastewater Flow		536,400	3.4	75,990
Comp Plan Scenario Additional Wastewater Flow		154,105		18,646

Scenario 1 increases the ADF by 154,100 gpd and the PHF by 18,650 gph. The projected additional ADF equates to approximately 3% of the remaining treatment capacity. No land uses are identified that would generate wastewater requiring pretreatment. The proposed development scenario is consistent with the City's planned sanitary sewer usage as identified in the 2040 Comp Plan. The existing sanitary sewer infrastructure has adequate capacity to accommodate the additional flows. A secondary forcemain and generator should be installed at the Opus lift station to provide redundancy and backup power generation at a critical system facility.

**Table 11-4: Scenario 2 Wastewater Flows** 

LAND USE	Usage per Unit (gpcd)	Average Day Flow (ADF) (gpd)	Peak Hourly Factor	Peak Hourly Flow (PHF) (gph)
MEDIUM DENSITY RESIDENTIAL (4-12 DU/AC.)	50	9,095	4.0	1,516
HIGH DENSITY RESIDENTIAL (Above 12 DU/AC.)	50	359,582	3.6	53,937
COMMERCIAL	15	6,654	4.0	1,109
GREEN LINE LRT				
HOTEL EMPLOYEES	15	1,958	4.0	326
HOTEL ROOMS	50	20,800	4.0	3,467
INDUSTRIAL	120	72,839	4.0	12,140
INSTITUTIONAL	15	3,370	4.0	562
OFFICE	10	198,530	3.8	31,434
RESEARCH & DEVELOPMENT	15	14,036	4.0	2,339
OPEN SPACE				
OPEN WATER				
RIGHT-OF-WAY (COLLECTORS AND ARTERIALS)				
Total Vision Scenario Wastewater Flow		686,864	3.3	94,444
Vision Scenario Additional Wastewater Flow		304,569		37,100

Scenario 2 increases the ADF by 304,600 gpd and the PHF by 37,100 gph. The projected additional ADF equates to approximately 6% of the remaining treatment capacity. No land uses are identified that would generate wastewater requiring pretreatment. The proposed development scenario is consistent with the City's planned sanitary sewer usage as identified in the 2040 Comprehensive Plan. The existing sanitary sewer infrastructure has adequate capacity to accommodate the additional flows. A secondary forcemain and generator should be installed at the Opus lift station to provide redundancy and backup power generation at a critical system facility.

#### 11. b. i. b) Wastewater Subsurface Sewer Treatment Systems

Subsurface sewer treatment systems (SSTS) will not be allowed.

## 11. b. i. c) Wastewater Discharge to Surface Waters

Wastewater will not be discharged to surface water.

#### 11. b. i. d) Wastewater Mitigation Plan

A secondary forcemain and generator should be installed at the Opus lift station to provide redundancy and backup power generation at a critical system facility.

#### ii. Stormwater

# **Stormwater Regulations**

To comply with local, state, and federal stormwater policies, the Opus Study Area needs to meet the requirements of Nine Mile Creek Watershed District (NMCWD) and the City that are in place at the time of redevelopment. The following analysis considers the current stormwater requirements (those in place at the time of this report). Considering this, the Opus Study Area needs to meet NMCWD requirements, as they are more restrictive than those of the City. **Figure 11-4** shows the Nine Mile Creek subwatersheds and **Figure 11-5** shows the FEMA 100-year and 500-year floodplains within the study area.

Volume Control: Retain 1.1 inches of runoff from all onsite impervious surfaces.

• If 50% or more of the impervious surface of a site is disturbed or the impervious surface of a site is increased by more than 50% as part of a redevelopment project, then the regulated impervious surface is all onsite impervious area. The following analysis assumes this condition.

Retention via infiltration may not possible on every site due to constraints such as high groundwater, shallow bedrock, soils with low infiltration capacity, or contamination. In these cases, stormwater reuse or filtration of 1.1 inches of runoff from all onsite impervious surfaces will be acceptable to meet the volume control requirement. The majority of soils in the Opus Study Area are Hydrologic Soil Group (HSG) C and C/D (Figure 11-6). Therefore, it is unlikely that infiltration will be suitable in much of the study area. As each parcel develops, site specific analysis is required to determine if stormwater retention is feasible. If a site is determined to be restricted, and the standard to retain 1.1 inches of runoff cannot be met, developers will need to follow NMCWD's restricted site sequencing, summarized below. Additionally, the DWSMA in the northeast portion of the study area has high vulnerability. Infiltration practices in this area require a higher level of engineering review under the NPDES Construction Stormwater General Permit, to prevent adverse impacts to groundwater. If filtration is used, the water quality standards described below will also be required.

Rate Control: Limit proposed discharge rates for the 2-, 10-, and 100-year 24-hour storm events to those of existing conditions at all discharge points.

Water Quality: Provide at least 60% annual removal of total phosphorus (TP) and at least 90% annual removal of total suspended solids (TSS) from site runoff.

This analysis assumes that if volume control via infiltration is met for the site, the
water quality requirements are also satisfied. Note that as each site develops,
modeling will be required to show that these standards are met.

Erosion Control: Meet the Minnesota Pollution Control Agency (MPCA) National Pollution Discharge Elimination System (NPDES) and NMCWD requirements. Measures such as silt fence, biorolls, erosion control blanket, and floating silt curtain are expected to be required for redevelopment.

#### **Redevelopment Scenarios**

Two redevelopment scenarios were considered. For each scenario, the parcels were categorized based on whether or not they will be redeveloped. The parcels that will redevelop were further categorized based on their proposed change in maximum impervious coverage (see **Figures 11-7** and **11-8**). The maximum impervious coverages,

as shown in **Table 11-5**, are based on the City's zoning code and existing impervious coverage. For high density residential parcels, the maximum impervious coverage was based on similar projects previously constructed in the City. Medium density residential and open space are not included because these land uses are not proposed to be redeveloped in either scenario. Opus Station and the Green Line LRT (parcels designated with MetroTransit land use) are also assumed to maintain equal maximum impervious coverages from existing to proposed conditions.

Table 11-5: Land Use and Impervious Coverage

Land Use	Maximum Impervious Coverage*
Institutional – Other (St. Margaret's Cemetery)	10%
High Density Residential	55%
Institutional – Educational (Spanish Language Academy, Eagle Ridge Academy)	60%
Institutional – Religious (River Valley Church)	70%
Commercial, Hotel, Industrial, Institutional (West Education Center, Lionsgate Academy), Office, Research & Development	85%

<sup>\*</sup>From zoning code and/or typical impervious coverage for these land uses

There is no regional ponding in the Opus Study Area. Compliance with stormwater regulation will need to be met through onsite, private Best Management Practices (BMPs). However, if multiple properties desire to provide a joint treatment system as redevelopment occurs, consideration can be given to creating a privately owned, regional BMP.

### **Stormwater Analysis**

The requirements to meet the current stormwater regulations are shown in **Table 11-8**. Note that any redevelopment will be required to meet the stormwater regulations in place at the time of redevelopment. In Scenario 1, all the parcels that will redevelop have reduced or equal maximum impervious coverage based on the planned land uses and the City's zoning code as described in **Table 11-5**. In Scenario 2, all parcels but three have reduced or equal maximum impervious coverage. The three parcels with increased maximum impervious coverages (10801 Red Circle Drive, 5959 Shady Oak Drive, and the parcel adjacent to the east) do not have existing BMPs.

Water Quantity: There are 87 parcels in Scenario 1 that will have an equal or reduced maximum allowable impervious coverage. Volume control will be required on all of these parcels as they redevelop.

There are 47 parcels in Scenario 2 that will have an equal or reduced maximum allowable impervious coverage. Volume control will be required on all of these parcels as they redevelop. Additionally, there are three parcels in Scenario 2 that will have an increased maximum allowable impervious coverage. Volume control and rate control will be required on these parcels as they redevelop.

**Table 11-6** summarizes the volume control required for each redevelopment scenario for the Opus site.

**Table 11-6: Volume Control Summary** 

	Redeveloping Parcels	Total Impervious Area (ac)	Volume Control Required (cf)	Unit Volume Control Required (cf/ac)
Existing	N/A	124	N/A	N/A
Scenario 1	87	276	1,103,400	2.002
Scenario 2	50	112	448,400	3,993

Water Quality: The water quality analysis was completed using NRCS runoff curve number methodology to calculate the runoff for each parcel. The resulting pollutant loading was calculated using Event Mean Concentration Values from the MPCA Stormwater Manual, based on the planned land uses for the Opus site.

The proposed pollutant load shows the effect of current water quality regulations (60% and 90% reductions in TP and TSS respectively) on the parcels that will redevelop. For sites where volume control is feasible, pollutant loads could be reduced even further than the values given, due to a decrease in total runoff.

**Table 11-7** summarizes the annual pollutant loads for each redevelopment scenario for the Opus site.

**Table 11-7: Pollutant Load Summary** 

	Redeve	Scenario 1 eloping Parc		Scenario 2 - Redeveloping Parcels only					
	Existing	Proposed	Reduction	Existing	Proposed	Reduction			
TP (lb/year)	487	195	292	228	90.8	137.2			
TSS (tons/year)	88.1	8.9	79.2	40.9	4.1	36.8			

Table 11-8: Stormwater Requirements

Case	Current Stormwater Requirements
Parcels that are Redeveloping <sup>1</sup>	
If reduced or equal maximum allowable impervious	ous percent:
all parcels <sup>2</sup>	Retain 1.1 inches from all onsite impervious; Document that rate control is met for 2-, 10-, and 100-year events
If increased maximum allowable impervious per	cent:
and have an existing BMP	Expand existing BMP and/or construct new BMP to retain 1.1 inches from all onsite impervious; Meet rate control for 2-, 10-, and 100-year events
and do not have an existing BMP	Construct a BMP to retain 1.1 inches from all onsite impervious; Meet rate control for 2-, 10-, and 100-year events
Parcels that are not Redeveloping	No action needed

<sup>1</sup>Assumptions: 50% or more of the impervious onsite will be disturbed or the impervious surface will be increased by 50% (triggering NMCWD rules); meeting abstraction requirements satisfies water quality requirements. <sup>2</sup>Assumption: Discharge rates will remain equal or decrease from existing to proposed conditions.

## **Stormwater Mitigation**

The existing Best Management Practices (BMP) in the Opus Study Area are shown on **Figures 11-6** and **11-7**. There are four City-owned, protected wetlands, all of which are on parcels that will not redevelop in either scenario. There are 19 constructed or modified ponds that are regulated as wetlands and one constructed stormwater pond. The City's classification system of wetlands is shown in **Figure 11-1**. The wetland classifications are based on accepted Minnesota Routine Assessment Method results. It is anticipated that the constructed and/or modified ponds will continue to be used for stormwater management. It is assumed that these BMPs will provide the required rate control on parcels that will redevelop with equal or reduced impervious coverage, however, it should be noted that compliance with volume control and water quality standards will still be required.

The sequencing for proposed volume control BMPs is as follows:

- 1. Infiltration, including surface or underground, or stormwater reuse
- 2. Filtration, including biofiltration or enhanced sand filters
- 3. Restricted site sequencing:
  - i. Retention of 0.55 inches of runoff from all onsite impervious surfaces
  - ii. Retention of runoff onsite to the maximum extent practicable
  - iii. Off-site retention and treatment elsewhere within Nine Mile Creek Watershed or the use of the NMCWD volume-banking program to achieve the required volume control and water quality requirements

As previously stated, if sequencing options 2 or 3 are employed to meet volume control, at least 60% annual removal of TP and at least 90% annual removal of TSS from site runoff will need to be demonstrated.

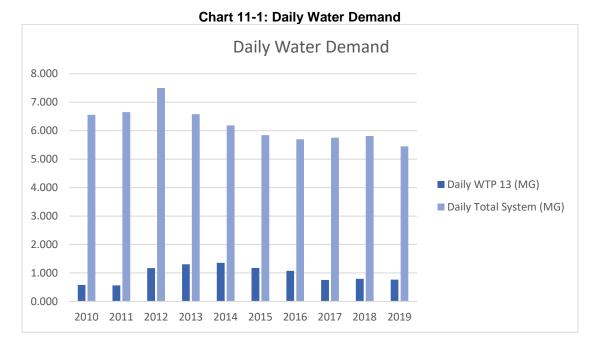
Through direct emailing, social media, coordination with the local chamber of commerce, and through "Thrive Minnetonka" the cities business newsletter, the city encourages businesses and property managers to learn about and participate in smart salting training. The larger properties are required to sign a salt management plan as part of our development requirements.

## iii. Water Appropriation

Construction dewatering will likely be required for development of sites within the Opus Study Area. Construction activities associated with dewatering will be required to follow all applicable permitting requirements, including Nine Mile Creek Watershed District Rule 9.0, and should only be necessary during excavation activities (utility installation, building footing installation, etc.).

The entire Opus Study Area is served by the Minnetonka municipal water distribution system. Water supply is provided by 18 wells located at eight water treatment plants (WTP) across the system. WTP #13 is the closest WTP in proximity to the Opus Study Area and provides a majority of the treated water supplied to the AUAR area. Wells 13 and 13A supply raw water to WTP #13 from the Prairie du Chien and Jordan aquifers. All of the wells and WTPs supply water to the entire distribution system so actual annual production for individual facilities depend on geographic demand and maintenance/improvements that require shutting down operations of individual system facilities for periods of time. The Minnetonka system is permitted (1979-6207) for an annual appropriation of 3,500 MG and had total demand of 1,989 MG in 2019. The water system and WTP #13 have daily treatment capacities of 12.8 MGD and 4.3 MGD respectively. The average daily demand in 2019 for the water system was 5.45 MGD and WTP #13 was 0.767 MGD which represents 42.6% and 17.8% of their respective

treatment capacities. Daily demand for WTP 13 and the entire water system has generally declined over the last decade (**Chart 11.1**).



Analysis was conducted to determine the existing water demand generated from the Opus Study area. Existing land use and water use records were utilized to determine the existing water demand by land use (**Table 11.9**). The analysis assumed the following conditions:

- Medium Density Residential: 6 dwellings per acre, 2.4 people per dwelling
- High Density Residential
  - a. Existing: 24 dwellings per acre, 1.4 people per dwelling
  - b. Scenario 1: 32 dwellings per acre, 1.4 people per dwelling
  - c. Scenario 2: 44 dwellings per acre, 1.4 people per dwelling
- Commercial: 1 employee per 450 square feet
- Hotel: 1 employee per 1,750 square feet
- Industrial: 1 employee per 1,100 square feet
- Institutional: 1 employee per 1,500 square feet
- Office: 1 employee per 300 square feet
- Research and Development: 1 employee per 350 square feet

**Table 11-9: Existing Water Demand** 

LAND USE	Usage per Unit (gpcd)	Average Day Demand (ADD) (gpd)	Peak Daily Factor	Peak Day Demand (PDD) (gpd)
MEDIUM DENSITY RESIDENTIAL (4-12 DU/AC.)	80	14,552	2.5	36,381
HIGH DENSITY RESIDENTIAL (Above 12 DU/AC.)	80	198,373	2.5	495,932
COMMERCIAL	15	3,321	2.5	8,302
GREEN LINE LRT				
HOTEL EMPLOYEES	15	1,958	2.5	4,894
HOTEL ROOMS	50	20,800	2.5	52,000
INDUSTRIAL	120	103,171	2.5	257,927
INSTITUTIONAL	15	5,110	2.5	12,775
OFFICE	15	157,604	2.5	394,009
RESEARCH & DEVELOPMENT	15	9,789	2.5	24,472
OPEN SPACE				
OPEN WATER				
RIGHT-OF-WAY (COLLECTORS AND ARTERIALS)				
Total Existing Water Demand (2019)		514,677		1,286,693

Based on the water demand data, the Opus Study Area currently generates an Average Daily Demand (ADD) of 514,700 gallons per day (gpd) and a Peak Daily Demand (PDD) of 1,287,000 gallons per day (gpd).

The proposed development for Scenario 1 and Scenario 2 were incorporated into the analysis to identify the additional water demand anticipated from the two individual development scenarios (**Tables 11-10 and 11-11** respectively).

Table 11-10: Scenario 1 Water Demand

LAND USE	Usage per Unit (gpcd)	Average Day Demand (ADD) (gpd)	Peak Daily Factor	Peak Day Demand (PDD) (gpd)
MEDIUM DENSITY RESIDENTIAL (4-12 DU/AC.)	80	14,552	2.5	36,381
HIGH DENSITY RESIDENTIAL (Above 12 DU/AC.)	80	275,987	2.5	689,969
COMMERCIAL	15	4,184	2.5	10,461
GREEN LINE LRT				
HOTEL EMPLOYEES	15	2,390	2.5	5,974
HOTEL ROOMS	50	25,550	2.5	63,875
INDUSTRIAL	120	167,140	2.5	417,849
INSTITUTIONAL	15	4,803	2.5	12,007
OFFICE	15	196,869	2.5	492,172
RESEARCH & DEVELOPMENT	15	19,501	2.5	48,751
OPEN SPACE				
OPEN WATER				
RIGHT-OF-WAY (COLLECTORS AND ARTERIALS)				
Total Scenario 1 Water Demand		710,976		1,777,440
Scenario 1 Additional Water Demand		196,299		490,747

Scenario 1 increases the ADD by 196,300 gpd and the PDD by 490,800 gpd. The projected additional ADD equates to approximately 5.3% of the remaining WTP #13 treatment capacity and 2.7% of the remaining system treatment capacity. The existing water distribution infrastructure has adequate capacity to accommodate the additional demand projected from Scenario 1.

Table 11-11: Scenario 2 Water Demand

LAND USE	Usage per Unit (gpcd)	Average Day Demand (ADD) (gpd)	Peak Daily Factor	Peak Day Demand (PDD) (gpd)
MEDIUM DENSITY RESIDENTIAL (4-12 DU/AC.)	80	14,552	2.5	36,381
HIGH DENSITY RESIDENTIAL (Above 12 DU/AC.)	80	575,331	2.5	1,438,326
COMMERCIAL	15	6,654	2.5	16,636
GREEN LINE LRT				
HOTEL EMPLOYEES	15	1,958	2.5	4,894
HOTEL ROOMS	50	20,800	2.5	52,000
INDUSTRIAL	120	72,839	2.5	182,098
INSTITUTIONAL	15	3,370	2.5	8,426
OFFICE	15	297,795	2.5	744,488
RESEARCH & DEVELOPMENT	15	14,036	2.5	35,090
OPEN SPACE				
OPEN WATER				
RIGHT-OF-WAY (COLLECTORS AND ARTERIALS)				
Total Vision Scenario Water Demand		1,007,336		2,518,339
Vision Scenario Additional Water Demand		492,658		1,231,646

Scenario 2 increases the ADD by 492,700 gpd and the PHD by 1,231,700 gpd. The projected additional ADD equates to approximately 13.2% of the remaining WTP #13 treatment capacity and 6.7% of the remaining system treatment capacity. The existing water distribution infrastructure has adequate capacity to accommodate the additional demand projected from the Scenario 2.

#### iv. Surface Waters

## a) Wetlands

A wetland delineation has not been completed for the entire project site. There are approximately 63 acres of wetland on site (**Figure 7-2**). Wetlands occur throughout the site, though a largest proportion of the wetlands are within the northcentral portion. Wetland impacts may occur as individual developments progress. Wetland impacts must be minimized to the greatest extent possible and reviewed through the local and federal wetland permitting processes. If wetland impact is proposed that cannot be avoided, mitigation per local and federal rules will be required.

#### b) Other Surface Waters

Six of the wetlands described above are DNR Public Waters. If impacts are proposed to these wetlands, approval will be required through the DNR.

## 12) CONTAMINATION/HAZARDOUS MATERIALS/WASTES

a. Pre-Project Site Conditions

The following online databases were reviewed on April 9, 2020 as part of this desktop environmental review:

- Minnesota Pollution Control Agency (MPCA) "What's in My Neighborhood?" website
- Minnesota Department of Agriculture (MDA) "What's in My Neighborhood?" website

#### Study area Sites

Eighty-one sites were identified at the Study area (see **Figure 12-1**). The sites are associated with 113 total database listings. Nine Study area listings indicate a hazardous material spill or release (Brownfields and/or Leak Site listings) and are associated with six sites. Brownfields are potentially contaminated sites where the MPCA is assisting with environmental investigations and/or redevelopment activities. Non-petroleum brownfields are referred to as Voluntary Investigation and Cleanup (VIC) sites. Leak sites are locations where a release of petroleum products has occurred from a tank system. Site closure of Brownfields and Leak Site listings does not mean the site is free of contamination. Confirmed or potential contamination is a factor in determining if a site is restricted for stormwater volume retention practices. The restricted site sequencing, as stated in section 11.b.ii. is potentially applicable to the sites associated with potential contamination.

The following Study area sites are associated with potential contamination:

## Site 12 - UnitedHealth Group, 9900 Bren Road East, Minnetonka, MN 55343

- <u>Leak Site LS0008165</u>: The identified leak was discovered in January 1995, consisted
  of fuel oil #1 and #2, did not impact groundwater, and was issued site closure by the
  MPCA in October 1995.
- <u>Petroleum Brownfields PB4563</u>: The site was enrolled in the Petroleum Brownfields Program from April 2014 to June 2014. The site is listed as inactive.

#### Site 14 - Minneapolis Mart, 10301 Bren Road West, Minnetonka, MN 55343

 <u>Leak Site LS0005979</u>: The identified leak was discovered in November 1992, consisted of fuel oil #1 and #2, did not impact groundwater, and was issued site closure by the MPCA in June 1993.

## Site 57 – Johnson and Johnson, 11140 Bren Road West, Minnetonka, MN 55343

• <u>Brownfields VP3600</u>: The site was enrolled in the Voluntary Investigation and Cleanup (VIC) Program from September 1993 to January 1997. The site is listed as inactive.

#### Site 58 – Former Virtual Radiologic, 5995 Opus Parkway, Minnetonka, MN 55343

 <u>Leak Site LS0017682</u>: The identified leak was discovered in July 2009, consisted of fuel oil #1 and #2, did not impact groundwater, and was issued site closure by the MPCA in September 2009. The release was from an aboveground storage tank (AST).

# Site 85 – Honeywell Minnetonka, 5400 Opportunity Court, Minnetonka, MN 55343

- <u>Brownfields VP2150</u>: The site was enrolled in the VIC Program from March 1992 to September 1996. The site is listed as inactive.
- <u>Brownfields VP2151</u>: The site was enrolled in the VIC Program a second time from July 1995 to March 1998. The site is listed as inactive.
- <u>Brownfields VP2152</u>: The site was enrolled in the VIC Program a third time from February 1999 to April 2001. The site is listed as inactive.

## Site 88 - Bren Tech Building, 11140 Bren Road West, Minnetonka, MN 55343

 <u>Leak Site LS0000823</u>: The identified leak was discovered in November 1988 and was issued site closure in March 1993. The release was from an underground storage tank (UST). The type of product released is unknown.

An additional one-hundred-four database listings were identified at the Study area that do not indicate potential contamination. The listings are associated with 75 sites and include:

- Sixty-five hazardous waste generator listings. Inclusion on the hazardous waste generator database indicates the site generates hazardous waste requiring a permit\*;
- Twenty-two stormwater permit listings (15 industrial and 7 construction);
- Twelve listings were for sites with ASTs and/or USTs but do not necessarily indicate a petroleum spill or release;
- Two wastewater permit listings;
- Two air quality permit listings; and
- One toxics reduction / pollution prevention listing.

\*Resource Conservation and Recovery Act (RCRA) Remediation listings were cross listed with two hazardous waste generator listings. A RCRA Remediation site is a place where a business with a hazardous waste license may have released hazardous waste to the environment. These sites are investigated by the MPCA to decide if cleanup is warranted. If it is determined that little or no exposure potential exists and no further remedial actions are necessary, the site is closed and listed as inactive. RCRA Remediation listings do not directly indicate the presence of contamination.

#### **Adjacent Sites**

Nineteen sites were identified adjacent to the Study area (see **Figure 12-1**). The sites are associated with 25 total listings. The following adjacent sites are associated with potential contamination:

#### Site 59 - ViroMed Laboratories, 6101 Blue Circle Drive, Minnetonka, MN 55343

<u>Leak Site LS0018477</u>: The identified leak was discovered in August 2011, consisted
of diesel, did not impact groundwater, and was issued site closure by the MPCA in
November 2011. The release was from a damaged AST.

#### Site 83 - Children's Business Campus, 5901 Lincoln Drive, Edina, MN 55435

• <u>Brownfields BF0000072</u>: The site was enrolled in the VIC Program from February 2016 to June 2017. The site is listed as inactive.

#### Site 98 – 9 Mile Creek Hopkins, No Address

- <u>Brownfields VP26770</u>: The site was enrolled in the VIC Program from January 2010 to September 2014. The site is listed as inactive
- <u>Brownfields VP26771</u>: The site was enrolled in the VIC Program a second time from December 2010 August 2014. The site is listed as inactive

An additional twenty-one database listings were identified at adjacent sites that do not indicate potential contamination. The listings are associated with 16 sites and include:

- Eleven hazardous waste generator listings. Inclusion on the hazardous waste generator database indicates the site generates hazardous waste requiring a permit\*;
- Nine construction stormwater permit listings; and
- One tank (UST) listing, which does not necessarily indicate a petroleum spill or release.

\*RCRA Remediation and Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) listings were cross listed with one hazardous waste generator listing. Like RCRA Remediation listings, CERCLIS sites are investigated to determine if federal cleanup actions are necessary. If no action is warranted, the site is closed and listed as inactive.

## **Surrounding Area Sites**

Three MPCA sites (Sites 7, 25, 32) were identified in the surrounding area (beyond adjacent) within 1,000 feet of the Study area. The surrounding area sites are associated with three listings and do not indicate the presence of contamination.

One MPCA site (Site 103) was identified within 1,000 feet south of the Study area (beyond adjacent). Site 103 is listed as TruGreen Chemlawn along TH 62. The product type released is unknown and the site received closure in July 2007.

#### b. Project Related Generation/Storage of Solid Wastes

Development within the study area will generate solid waste and construction debris normal to construction. Solid waste and construction debris will be disposed of in conformance with state standards. This activity will be completed in conformance with state requirements and materials will be either recycled or hauled to an appropriate demolition landfill site.

## c. Project Related Use/Storage of Hazardous Materials

Small amounts of hazardous materials typical of a construction site (e.g., fuel oil) will be stored in approved containers. As required by the NPDES Construction Stormwater Permit, the fuel containers will be required to have secondary containment by either being bermed or stored in a truck or other facility. Fuel trucks and any other hazardous material are required to be locked when not in use to avoid vandalism.

# d. Project Related Generation/Storage of Hazardous Wastes

Construction within any of the subject parcels will not involve the generation of significant amounts of hazardous wastes.

Once construction is completed, it is anticipated that the waste generated will be of similar nature to household wastes and will be disposed of similarly. There are no gas stations proposed that would include storing of hazardous materials.

#### e. Contamination/Hazardous Materials/Wastes Mitigation Plan

- If contamination is encountered during project grading or development, grading activities will be suspended until material can be characterized and then disposed on in conformance with state requirements.
- The municipal waste hauler company will make residential and commercial recycling programs available to the area. General municipal waste will be removed by these waste hauler companies.
- Hazardous waste spills will be reported immediately to emergency response agencies via emergency dispatch service and addressed in conformance with state requirements.
- For all gas stations with underground tanks, annual licensing from the MPCA will be needed.
- Any business or institutional uses that use or store petroleum or other hazardous products will be subject to local and state rules regulating such uses.

# 13) FISH, WILDLIFE, PLANT COMMUNITIES, AND SENSITIVE ECOLOGICAL RESOURCES (RARE FEATURES)

#### a. Fish and Wildlife Resources

Current land cover is over 77% impervious, consisting of mostly buildings and pavement with the remaining land cover a mix of forest, wetland emergent vegetation, wetland open-water, short grasses, wetland shrubs, and maintained tall grass. With the exception of maintained tall grass, the remaining ~22% land cover may provide limited habitat for waterfowl. A portion of Nine Mile Creek runs through the northeast corner of the study area, providing fish habitat. There are no designated trout streams, Wildlife Management Areas, Waterfowl Production Areas, Wildlife Refuges, Reinvest in Minnesota (RIM) easements, wild rice lakes, or Outstanding Resource Value Waters (ORVWs) within any of the parcels. The Minnesota Land Cover Classification System (MLCCS) land cover data is shown in **Figure 7-1**. There are no Minnesota County Biological Survey (MCBS) or Areas of Ecological Significance within the Opus site. Lone Lake Park is approximately two miles from the Opus along Shady Oak Road and contains a mesic hardwood forest rare plant community.

#### b. Rare Features

The DNR reviewed the study area and provided recommendations regarding the project (ERBD 20200274) correspondence with the DNR is included in **Appendix B**. Their review indicated that the rusty-patched bumble bee has been documented near the site. This species is described further below.

The US Fish and Wildlife Service was also consulted regarding federally threatened and endangered species via their online Section 7 Consultation process. Based on this consultation, two federally listed species occur within Hennepin County. These species are summarized below.

- Northern long-eared bat (*Myotis septentrionalis*), a federally threatened species, is listed within Hennepin County. The Minnesota township map that documents known locations of bat roost trees and hibernacula was reviewed and the Opus site was not included.
- Rusty-patched bumble bee, noted previously as a state-watchlist species, is a federally
  endangered species. The Opus site is located within a high-potential zone for the bumble
  bee. Suitable habitat for the bee includes high quality foraging resources, nesting sites,
  overwintering sites, and protection from pesticides, introduced diseases, and other
  disturbances.
- c. Effects on Fish, Wildlife, Plant Communities, Rare Features, and Ecosystems

The study area existing land use is mostly highly developed with some park/recreational/preserve areas, open water areas, and undeveloped parcels. The planned development will result in the development of a corridor of undeveloped land running north to south between Feltl Road and Conservatory Road and an undeveloped parcel between Blue Circle Dr and TH 169 in the south eastern portion of the study area. These sites do not provide significant habitat to wildlife. Wetland impacts that may occur as a result of development will be minimized per requirements of the Wetland Conservation Act and US Corps of Engineers and vetted through the regulatory permitting process. Mitigation for wetland impacts would occur at a 2:1 ratio.

#### **Invasive Species**

The site may contain some invasive species, although no site-specific information is currently available.

The US Department of Agriculture's National Invasive Species Information Center provides information regarding Best Management Practices to prevent or mitigate invasive species establishment or movement. Guidance for implementation at all parcels can be referenced at <a href="https://www.invasivespeciesinfo.gov/toolkit/preventionbmp.shtml">https://www.invasivespeciesinfo.gov/toolkit/preventionbmp.shtml</a>. Appropriate actions such as cleaning equipment, chipping/destroying invasive species, and limiting and securing soil disturbances will help prevent the spread of the invasive/noxious species. If necessary, herbicide application to pockets of weed growth could be implemented during and after construction, especially if soil particles are staged or left for future phases.

d. Measures to Avoid, Minimize, or Mitigate Adverse Effects (to fish, wildlife, plant communities, and sensitive ecological resources.)

The plan does not include significant park or open space development. It is expected that development will occur on areas that are currently mostly impervious surface; as such, these areas are not of significant plant or wildlife resources, or of any sensitive ecological resources. Minor impacts that may occur will be minimized per requirements of the Wetland Conservation Act and US Corps of Engineers and vetted through the regulatory permitting process. Mitigation for wetland impacts would occur at a 2:1 ratio.

# **Protecting Pollinators**

Pollinators are essential to our environment. The ecological service they provide is necessary for the reproduction of over 85% of the world's flowering plants, including more than two-thirds of the world's crop species. However, pollinator populations, including Monarch butterflies, have fallen significantly over the last few decades, primarily due to habitat loss, pesticide use, and climate change.

In urban areas, even small patches of habitat can provide vital habitat for monarchs and other pollinators. That is why the city of Minnetonka joined the Mayors' Monarch Pledge, a national program that helps cities educate and empower residents to protect monarchs and other beneficial insects, which play key roles in agriculture and the natural environment.

Consider these steps to make the urban landscape more pollinator-friendly:

- Plant milkweed species native to Minnesota. Milkweed is a great plant for
  pollinators. It's also the only plant that monarch caterpillars can eat. Many nurseries
  carry a variety of milkweeds, and some specialize in these and other native plants.
- Plant native wildflowers so your garden is continuously in bloom between late spring and early autumn, when monarchs and other pollinators are breeding and migrating.
- Plant native trees and shrubs such as black cherry and gray dogwood. Monarchs
  (and many other pollinators) visit these trees for nectar or shelter in their branches.
- Manage invasive species. Invasive plants, such as garlic mustard and buckthorn, spread rapidly and crowd out other plants. Where possible, remove invasives and replace with native species.
- Convert some turf. Some property owners are replacing turf with meadow vegetation, which is similar to the prairie that grew in this region before settlement. Meadow vegetation takes a few years to become established, but the deep-rooted plants capture a lot of water and provide excellent habitat for pollinators and birds.
- Reduce or eliminate the use of chemicals. Pesticides can inadvertently kill or harm beneficial insects as well as pests. Try ecological pest control instead. This approach focuses on maintaining a healthy, diverse landscape that is less vulnerable to pests. Apply chemical pesticides only when other strategies such as horticultural oils or growth regulators have failed. Target problem areas rather than broadcasting chemicals widely.

On June 22, 2020, the City Council approved a Proclamation declaring July 2020 as Monarch and Pollinator Awareness Month which stated the important elements to protecting pollinators.

On July 20, 2020, the City Council amended Minnetonka City Code Section 845.030 relating to lawn maintenance to:

- 1. promote alternative lawn practices that benefit pollinators
- 2. reduce barriers to residents adopting these practices
- articulate maintenance standards for alternative lawns to protect public health, safety, and welfare
- 4. advance the city's commitment to goals outlined in the Mayors' Monarch Pledge.

Increasing pollinator habitat has the additional benefits of:

- capturing lawn maintenance runoff
- reducing erosion
- improving air quality
- limiting the need for chemical inputs
- enhancing the community's overall climate resilience.
- e. Fish, Wildlife, and Ecologically Sensitive Resources Mitigation Plan

The following mitigation measures will be employed for Scenarios 1 and 2:

- Implement the Mayor's Monarch Pledge.
- Enforce Section 845.030 including encouraging the use of meadow vegetation and pollinator lawns.
- Coordination with the USFWS will be necessary as redevelopment progresses to determine the potential for impact to the bee.
- Wetlands will need to be delineated in conformance with the Wetland Conservation Act as part of the redevelopment process. The City of Minnetonka will review and verify the wetland delineation.
- Wetland impact is anticipated to be minimized to the maximum extent practical and feasible throughout the review area. If wetland impacts are proposed, wetland mitigation will be required of the project proposer pursuant to current wetland regulations and City requirements.
- Nine Mile Creek Watershed District will require buffers around wetlands at a width dependent upon the wetland's management classification, per their rules.
- If tree removal must occur as part of development, it should be completed between August May to avoid impacts to northern long-eared bats.
- Storm water management and landscape features should incorporate native plantings of grasses, pollinator species, trees, and shrubs.
- Tree removal within the study area that occurs as part of development will need to meet the requirements of the City's Tree Protection Ordinance.

# 14) HISTORICAL PROPERTIES

The State Historic Preservation Office was contacted regarding historic resources in the area. The review concluded that four historic/architectural sites, Bridges 27545 and 27546, a farmstead, and a cemetery are located on or near the study area (**Appendix B**). The bridges are located eastbound and westbound on Shady Oak Road over TH 62. The farmstead is located on Feltl Road just south of Smetana Road. Saint Margaret's Cemetery is located on Bred Road E, just east of Shady Oak Road. No impacts to these resources are anticipated as a result of development in the study area in either Scenario 1 or 2.

## 15) VISUAL

The Opus Study Area is currently a developed area. Redevelopment within the study area will be similar in nature to existing development in the area. Therefore, no visual impacts are anticipated. No vapor plumes or intense lighting will result from development of the subject parcels.

#### 16) AIR

## a. Stationary Source Emissions

No stationary source emissions exist that would require a Minnesota Pollution Control Agency (MPCA) air emissions permit or are proposed as part of the proposed site development. The Opus Study Area would not have the potential to emit new source review and hazardous air pollutants as defined by the MPCA.

#### b. Vehicle Emissions

The EPA has identified a group of 93 compounds emitted from mobile sources that are listed in their Integrated Risk Information System. In addition, the EPA identified seven compounds with significant contributions from mobile sources that are among the national and regional-scale cancer risk drivers. These are acrolein, benzene, 1,3-butadiene, diesel particulate matter, plus diesel exhaust organic gases (diesel PM), formaldehyde, naphthalene, and polycyclic organic matter. While Federal Highway Administration (FHWA) considers these the priority mobile source air toxics, the list is subject to change and may be adjusted in consideration of future EPA rules. EPA rule requires controls that will dramatically decrease Mobile Source Air Toxins (MSAT) emissions through cleaner fuels and cleaner engines.

For this AUAR, the amount of MSAT emitted would be proportional to the average daily traffic (ADT). The ADT estimated for the proposed site development is higher than that for the no build condition, because the project involves redevelopment that produces additional trips. This increase in ADT means MSAT under the build scenarios would probably be higher than the no build condition in the study area. There could also be localized differences in MSAT from indirect effects of the project such as associated access traffic, emissions of evaporative MSAT (e.g., benzene) from parked cars, and emissions of diesel particulate matter from delivery trucks. Travel to other destinations would be reduced with subsequent decreases in emissions at those locations.

Improvements in vehicle technology and in motor fuel regulations continue to result in reductions in vehicle emission rates. The EPA MOVES 2010b emissions model estimates that emission rates will continue to decline from existing rates through year 2040. Consequently, year 2040 vehicle-related CO concentrations in the study area are likely to be lower than existing concentrations even considering the increase in development-related and background traffic.

The U.S. Environmental Protection Agency has designated all of Hennepin, Ramsey, Anoka, and portions of Carver, Scott, Dakota, Washington, and Wright Counties as a maintenance area for carbon monoxide. The Opus Study Area is in Hennepin County which is in the carbon monoxide maintenance area.

The EPA has approved a screening method to determine which intersections need hot-spot analysis. The hot-spot screening method uses a traffic volume threshold of 82,300 entering vehicles per day. None of the intersections within the Opus Study Area meet this threshold of vehicles per day. Based on the proposed volumes, the proposed development scenarios do not exceed thresholds that would require a quantitative MSAT analysis; therefore, the project is not expected to adversely affect air quality.

Minnetonka continuously reviews the city's asset management and city infrastructure, including fleet operations. The capital improvements program has designated funding to further review and plan for sustainable initiatives for the development, planning and implementation of green and sustainable improvements related to major equipment, including the addition of electronic charging stations beginning in 2021.

In summary, it is expected there will be slightly higher MSAT emissions in the study area with the project relative to the no build condition due to increased ADT. There also could be increases in MSAT levels in a few localized areas where ADT increases. However, the EPA's vehicle and fuel regulations will bring about significantly lower MSAT levels for the area in the future when compared to today.

#### c. Dust and Odors

During construction, particulate emissions will temporarily increase due to generation of fugitive dust. The nearest and most sensitive receptors to the construction activity are the residential properties that immediately surround the property. Construction dust control is required to be in conformance with City of Minnetonka's ordinances and the NPDES Construction Stormwater permit. The construction and operation of the proposed site development is not anticipated to involve processes that would generate odors.

## 17) NOISE

As stated in the AUAR guidelines, construction noise need not be addressed unless there is some unusual reason to do so. No unusual circumstances have been identified that would necessitate a detailed noise analysis. The following is a summary of the existing and anticipated noise conditions.

The two development scenario's discussed in the Opus Study Area includes: Scenario 1 containing development of medium density residential, high density residential, commercial, two hotels, industrial, institutional, offices, and research and development, and: Scenario 2 containing the same land uses as Scenario 1 with a greater intensity.

Noise levels on and adjacent to the site will vary considerably during construction depending on the pieces of construction equipment being operated simultaneously, the percent of time in operation, and the distance from the equipment to the receptors. Construction equipment will be fitted with mufflers that would be maintained throughout the construction process. **Table 17-1** below summarizes the peak noise levels of common types of roadway construction equipment.

Table 17-1: Typical Roadway Construction Equipment Noise Levels at 50 Feet

Equipment Type	Manufacturers	Total Number of	Peak No	oise Level
Equipment Type	Sampled	Models in Sample	Range	Average
Backhoe	5	6	74-92	83
Front Loader	5	30	75-96	85
Dozer	8	41	65-95	85
Grader	3	15	72-92	84
Scraper	2	27	76-98	87
Pile Driver	N/A	N/A	95-105	101

Source: United States Environmental Protection Agency and Federal Highway Administration

The developments within the Opus Study Area will be constructed in accordance with the city's established noise ordinance as outlined in the City Code. It is anticipated that noise levels will temporarily increase locally during each project construction but would be expected to return to intensities consistent with existing levels and sources following project completion.

The State of Minnesota's noise rules are found in Minnesota Rules Chapter 7030 (Noise Pollution Control). Under Minnesota Rules 7030.0030 (Noise Control Requirement), local governments are required to take reasonable measures to prevent the approval of land use activities that will violate the state noise standards immediately upon the establishment of the land use.

#### Minnesota Rules 7030.0030 states:

No person may violate the standards established in part 7030.0040, unless exempted by Minnesota Statutes, section 116.07, subdivision 2a. Any municipality having authority to regulate land use shall take all reasonable measures within its jurisdiction to prevent the establishment of land use activities listed in noise area classification (NAC) 1, 2, or 3 in any location where the standards established in part 7030.0040 will be violated immediately upon establishment of the land use.

The nearest potential sensitive noise receptors adjacent to the Opus Study Area include: medium and high-density residential north of Smetana Road; single family residential and medium residential east of TH 169, medium density residential west of the AUAR area between Pompano Drive and Shady Oak Road (CSAH 61), a City park located on Green Circle Drive within the AUAR area, and the Nine Mile Creek and Minnesota River Bluffs regional trails north of the AUAR area.

In general, a sound increase of 3-dBA is barely noticeable by the human ear, a 5-dBA increase is clearly noticeable, and a 10-dBA increase is heard as twice as loud. For example, if the sound energy is doubled (i.e., the amount of traffic doubles), there is a 3-dBA increase in noise, which is just barely noticeable to most people. On the other hand, if traffic increases by a factor of 10, the resulting sound level will increase by about 10-dBA and be heard as twice as loud.

The noise sources in the Opus Study Area consist mainly of traffic on the area freeways and roadways. Traffic volumes on the adjacent roadways in the Opus Study Area, at full development, are projected to be below the amount that would generate a sound increases that could be noticeable. The change in traffic noise levels is not anticipated to be readily perceptible, especially since both scenarios are related to redevelopment as opposed to new development. The Opus Study Area will be developed such that any land use activities that are sensitive (i.e., residential units or parks) to noise will have sufficient setbacks and landscaping within and adjacent to each specific project boundary to help minimize and mitigate the effects of the anticipated noise generated from the project. These details will be determined as each development proceeds.

## Noise Mitigation Plan

Development adjacent to land uses that are sensitive (i.e., residential units or parks) to
noise will have sufficient setbacks and landscaping within and adjacent to each specific
project boundary to help minimize and mitigate the effects of the anticipated noise
generated from the project.

#### 18) TRANSPORTATION

a. Describe Traffic

#### **Existing Traffic Conditions**

The Opus Study Area is bounded by TH 169 on the east, TH 62 on the south, Shady Oak Road (Hennepin County Road 61) on the west and Smetana Road on the north, shown on **Figure 18-1**. TH 169 and TH 62 are principal arterial freeways. Shady Oak Road is a fourlane divided arterial and Smetana Road is a two-lane collector street. The access to the site from TH 169 is via the Bren Road Interchange and Shady Oak Road provides access to TH 62. Bren Road is a primary access route through the study area along with the access to Shady Oak Road. The site has access to Shady Oak Road via Smetana Road, and Red Circle Drive. The existing AADT's are shown on Figure 18-1 along with the key intersections serving the site. AM and PM peak hour turning movements were collected in February of 2020 prior to any restrictions associated with the COVID 19 pandemic. These turning movements are shown on Figures 18-2 to 18-5.

The study area is relatively developed and currently generates around 75,000 trips per day with approximately 4,900 am peak hour trips and 5,200 pm peak hour trips. The current trip generation estimate is shown in **Table 18-1**. A high percentage of the trips are inbound in the morning and outbound in the evening due to the office warehouse and industrial uses on the site. The peak hour estimate was verified by comparing the estimate with the turning movements at the major site access points. The peak hour estimates are slightly higher than the counts. A traffic operations analysis was completed for the key intersections and the results are shown in **Table 18-2 and Table 18-3**. All of the intersections currently operated at level of service "C" or better in the am and pm peak hours, although some movements at the intersections have lower levels of service. Turning movements with a level of service of "D" are highlighted in yellow and level of service of "E" are highlighted in orange.

Table 18-1: Existing 2020 Trip Generation

Land Use Code	Units	Expected Units (independ ent variable)	Daily Trips	AM Peak Hour Total Trips	AM In	AM Out	Reduction flate %	AM Peak Hour Total Trips After Reduction	AM In Trips After Reduction	Trips After		PM in	PM Out	Reduction Rate %	PM Peak Hour Total Trips After Reduction	PM In Trips After Reduction	Trips Afte
IND	1000 sq. ft	1,024	2,210	433	332	101	10	389	300	89	485	130	355	10	419	117	321
HDR	Dwelling Units	1,676	12,469	747	171	576	10	672	154	518	855	540	315	10	770	486	284
HTL	Rooms	416	3,594	192	107	85	25	151	85	66	246	126	120	25	194	99	95
INST	1000 sq. ft	433	6,633	1,061	771	290	10	956	695	261	532	274	258	30	479	247	232
0	1000 sq. ft	2,669	27,349	3,033	2,610	423	15	2,578	2,218	360	2,987	479	2,508	15	2,539	407	2,132
RD	1000 sq. ft	228	2,567	96	72	24	10	87	65	22	112	17	95	10	101	15	86
С	1000 sq. ft	100	20,413	143	90	53	30	100	63	37	1,109	655	454	30	777	459	318
	Total		75,235	5,705	4,153	1,552		4,933	3,580	1,353	6,326	2,221	4,105		5,279	1,830	3,468

Table 18-2: Measures of Effectiveness for Existing 2020 AM Peak Hour

									ective				9									
	Intersection				LOS by LOS by					Average & Maximum Traffic Queueing (feet)												
Control	Location	Appr		il Dela oveme		1	OS by		Appr	oach (Veh)	Inters	ection (Veh)	Appr	ı	Left-Tun	n		Through	n	R	tight-Tu	/n
ŭ			L	Т	R	L	Т	R	Delay	LOS	Delay	LOS	LOS		M ax Queue	Storage	Ave Queue	M ax Queue	Storage	Ave Queue	Max Queue	Storage
ed		NB	30	0	12	С	А	В	27	С			NB	203	340	320	243	357		46	207	300
Signalized	1: TH 169 NB Ramp & Bren Rd	WB	0	20	7	А	С	А	16	В	25	С	WB				96	196				
Sig		EB	34	19	0	С	В	А	27	С			EB	74	126		86	163				
Signalized	0. TH 400 0B B	WB	8	4	0	А	А	А	4	А			WB	29	65	140	65	141				
nali	2: TH 169 SB Ramp & Bren Rd	SB	32	0	33	С	А	С	33	С	16	В	SB	67	142	500	226	349		207	345	500
Sig		EB	0	25	6	А	С	А	14	В			EB				65	120		52	94	
ed		WB	0	7	4	Α	А	А	7	А			WB				152	295		70	165	140
Signalized	3: Bren Rd & Smetana Dr	SB	59	0	58	Е	А	Е	59	Е	14	В	SB	219	374							
Sig		EB	52	4	0	D	А	А	7	А			EB	20	60	120	28	70				
_		NB	11	8	5	В	Α	Α	8	А			NB	1	16	300	31	96		2	17	300
Signalized	4: Shady Oak Rd & Dominick	WB	17	21	4	В	С	А	9	Α	7	А	WB	34	91	180	1	12		27	65	230
igna	Dr/Smetana Rd	SB	7	6	2	А	А	А	6	А	,	~	SB	8	31	300	63	132		1	12	300
S		EB	16	18	4	В	В	А	9	А			EB	7	36	150	11	37				
Ď		NB	16	21	10	В	С	В	14	В			NB	22	68	225	59	115		88	199	225
Signalized	5: Shady Oak Rd &	WB	53	26	5	D	С	Α	39	D	22	С	WB	188	338		27	131		37	63	30
ign	Bren Rd	SB	22	17	5	С	В	Α	18	В			SB	74	167	475	79	161		8	78	150
S		EB	29	31	16	С	С	В	24	С			EB	26	111	150	83	178				
Signalized	6: Shady Oak Rd &	NB	0	2	0	А	Α	Α	2	Α			NB				32	95				
nal	Red Circle Dr N	WB	51	0	5	D	Α	Α	38	D	6	Α	WB	71	161					23	55	
		SB	0	5	0	Α	Α	Α	5	Α			SB				47	118			<u> </u>	<u> </u>
Thru-St	7: Shady Oak Rd &	NB	0	2	4	Α	Α	Α	3	Α			NB					8			<u> </u>	<u> </u>
	Red Circle Dr S	SB	6	2	0	Α	Α	Α	2	Α			SB	26	68	230						
ized	8: Shady Oak Rd &	NB	46	12	0	D	В	Α	15	В			NB	48	94	240	152	318				<u> </u>
Signalized	TH 62 WB Ramp	WB	40	0	30	D	Α	С	36	D	20	С	WB	148	250	420	170	282		135	270	420
Si		SB	0	13	2	Α	В	Α	12	В			SB				89	186		17	46	
pa	0. Chad. Oak D 1 8	NB	0	32	9	Α	С	Α	30	С			NB				191	332		22	99	300
Signalized	9: Shady Oak Rd & TH 62 EB	WB	51	0	34	D	Α	С	38	D	29	С	WB	30	64	110				61	145	110
Sign	Ramp/62nd St	SB	36	7	0	D	Α	Α	18	В			SB	147	229	250	69	119				
		EB	40	52	18	D	D	В	37	D			EB	208	364	560	190	408		93	261	500

Table 18-3: Measures of Effectiveness for Existing 2020 PM Peak Hour

	Intersection									, ti v C i i			1	<u>g –</u>					fic Queu	aina (fa	ot)	$\neg$
	mersection		Tota	I Dela	v hv		OS by	,	ı	S by	LOS			71101-9-		IWAAIIII	uiii iiai	iic Queu	enig (ie	cıj		
Control	Location	Appr		oveme		I	oveme			oach Veh)	Interse (Sec/	veh)	Appr		Left-Tun	n		Through	1	R	ight-Tur	n
ŏ			L	Т	R	L	Т	R	Delay	LOS	Delay	LOS		Ave Queue	Max Queue	Storage	Ave Queue	Max Queue	Storage	Ave Queue	Max Queue	Storage
pa		NB	33	33	7	С	С	А	26	С			NB	47	133	320	100	188		33	64	300
aliz	1: TH 169 NB Ramp & Bren Rd	wв	0	24	15	А	С	В	20	С	15	В	wв				85	195				
Signalized	a brenku	EB	13	2	0	В	A	A	9	A			EB	146	208		18	83				
eq		wв	35	2	0	D	А	А	12	В			wв	60	124	140						
Signalized	2: TH 169 SB Ramp & Bren Rd	SB	35	0	5	D	А	А	15	В	9	Α	SB	64	137	500	28	59		32	73	500
Sig		EB	0	9	5	А	Α	А	7	А			EB				95	175		65	144	
paz		WB	0	3	2	А	А	А	2	А			WB				21	51		27	63	140
Signalized	3: Bren Rd & Smetana Dr	SB	31	0	25	С	Α	С	31	С	7	Α	SB	104	205							
Sig	omotana or	EB	8	5	0	А	А	А	5	А			EB	34	113	120	102	197				
-		NB	7	6	6	А	А	А	6	А			NB	11	51	300	30	104		2	20	300
lize	4: Shady Oak Rd &	wв	55	0	11	Е	А	В	24	С	_		WB	23	70	180				24	61	230
Signalized	Dominick Dr/Smetana Rd	SB	14	2	1	В	А	А	4	Α	6	А	SB	37	104	300	13	57		1	16	300
S		EB	63	0	4	Е	Α	А	31	С			EB	8	26	150	6	23				
ъ		NB	10	9	6	В	А	А	9	А			NB	26	66	225	79	190		15	55	225
lize	5: Shady Oak Rd &	wв	47	36	16	D	D	В	35	D	16	В	wв	161	298		54	161		47	59	30
Signalized	Bren Rd	SB	19	11	4	В	В	А	11	В	10	ь	SB	12	39	475	45	104		5	32	150
S		EB	41	39	11	D	D	В	31	С			EB	53	141	150	40	143				
pez		NB	0	9	0	А	А	А	9	А			NB				133	258				
Signalized	6: Shady Oak Rd & Red Circle Dr N	WВ	49	0	15	D	А	В	37	D	14	В	WB	208	366					63	157	
		SB	0	5	0	Α	Α	Α	5	Α			SB				39	103				
Thru-St	7: Shady Oak Rd &	NB	0	2	1	А	Α	А	2	А			NB									
Thr	Red Circle Dr S	SB	11	1	0	В	А	Α	2	Α			SB	32	84	230						
ed		NB	30	5	0	С	Α	А	13	В			NB	146	230	240	71	161				
Signalized	8: Shady Oak Rd & TH 62 WB Ramp	w B	49	0	19	D	А	В	24	С	16	В	WВ	16	61	420	48	114		70	145	420
Sig		SB	0	21	10	А	С	В	18	В			SB				109	203		67	159	
p		NB	0	25	4	Α	С	Α	24	С			NB				171	290		12	44	300
alize	9: Shady Oak Rd & TH 62 EB	WB	49	0	27	D	А	С	28	С	23	С	WB	18	100	110				178	415	110
Signalized	Ramp/62nd St	SB	41	4	0	D	Α	Α	9	А	23		SB	25	77	250	15	62				
S		ЕВ	51	37	6	D	D	А	30	С			EB	57	109	560	13	46		33	86	500

The Southwest LRT line is currently being constructed and will bisect the site in a north/south direction with a station located between Bren Road West and Bren Road East (as shown in **Figure 18-6)**. The City expects significant development in the area of the LRT station. As part of the LRT construction, the City of Minnetonka is proposing to reverse the direction of travel on Red Circle Drive east of the Red Circle Drive cross-over east of Shady Oak Road. This will eliminate the weave between inbound traffic and outbound traffic and will improve flow where Red Circle crosses the LRT line. The City of Minnetonka will also reverse the direction of travel on Green Oak Drive to provide better circulation around the future development near the Opus LRT Station.

## **Future Traffic Conditions with Development**

Traffic forecasts were developed for the two development scenarios considered in this AUAR for the year 2040. The Trip Generation estimate for the proposed development scenarios are shown in **Tables 18-4 and 18-5**. Based on data from the LRT studies for this corridor it was estimated that 5% of the site generated trips would use the LRT. Other reductions of peak hour trip generation were estimated consistent with the estimates for the existing conditions. It was estimated that the Scenario 1 would generate approximately 6,200 am peak hour trips and 6,800 pm peak hour trips at the site access intersections. This represents about 1,300 more am peak hour trips and about 1,600 more pm peak hour trips than are currently generated in the study area. The site will still have a heavy inbound percentage of the am peak hour and in the outbound percentage of the pm peak hour. In Scenario 2, the site is estimated to generate approximately 8,200 am peak hour trips and 9,500 pm peak hour trips at the site access points. This is an increase of 3,300 am trips and 4,300 pm peak hour trips.

Table 18-4: Scenario 1	2040 Trip	Generation
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Land Use Code	Units	Expected Units (independ ent variable)	Daily Trips	AM Peak Hour Total Trips	AM In	AM Out	Reduction Rate %	AM Peak Hour Total Trips After Reduction	AM In Trips After Reduction	AM Out Trips After Reduction	PM Peak Hour Total Trips	PM In	PM Out	Reduction Rate %	PM Peak Hour Total Trips After Reduction	PM In Trips After Reduction	Trips After
IND	1000 sq. ft	1,532	3,011	513	394	119	15	439	335	104	546	146	400	15	465	126	339
HDR	Dwelling Units	2,408	17,919	1,080	247	833	15	945	216	729	1,251	789	462	15	1,096	691	405
HTL	Rooms	511	4,491	238	132	106	30	174	97	77	306	158	148	30	226	117	109
INST	1000 sq. ft.	480	7,359	1,129	823	306	15	961	700	261	596	305	291	45	506	259	247
0	1000 sq. ft	3,930	39,941	4,336	3,729	607	20	3,467	2,983	484	4,347	698	3,649	20	3,477	557	2,920
RĐ	1000 sq. ft	455	5,123	191	143	48	15	163	122	41	223	33	190	15	190	28	162
c	1000 sq. ft	125	25,516	179	112	67	35	116	.73	43	1,386	819	567	35	900	532	368
	Total		103,360	7,666	5,580	2,086		6,265	4,526	1,739	8,655	2,948	5,707		5,860	2,310	4,550

Table 18-5: Scenario 2 2040 Trip Generation

Land Use Code	Units	Expected Units (independ ent variable)	Daily Trips	AM Peak Hour Total Trips	AM In	AM Out	Reduction Rate %	AM Peak Hour Total Trips After Reduction	AM In Trips After Reduction	AM Out Trips After Reduction	PM Peak Hour Total Trips	PM In	PM Out	Reduction Rate %	PM Peak Hour Total Trips After Reduction	PM In Trips After Reduction	PM Out Trips After Reduction
IND	1000 sq. ft	1,269	2,507	430	332	98	15	369	284	85	459	124	335	15	392	107	285
HDR	Dwelling Units	3,931	29,153	1,772	407	1,365	15	1,506	346	1,160	2,071	1,306	765	15	1,760	1,109	651
HTL	Rooms	416	3,594	192	107	85	30	141	79	62	246	126	120	30	182	93	89
INST	1000 sq. ft	337	5,527	972	706	266	10	827	600	227	440	229	211	30	374	195	179
0	1000 sq. ft	5,763	57,954	6,316	5,431	885	20	5,053	4,344	709	6,382	1,020	5,362	20	5,105	815	4,290
RD	1000 sq. ft	328	3,693	138	103	35	15	118	88	30	161	24	137	15	136	20	116
C.	1000 sq. ft	200	51,930	350	229	121	35	227	149	78	2,522	1,432	1,090	35	1,639	931	708
	Total		154,358	10,170	7,315	2,855		8,241	5,890	2,351	12,281	4,261	8,020		9,588	3,270	6,318

The AADT forecasts for the two development scenarios are shown on **Figure 18-1**. The peak hour turning movement forecasts for the two development scenarios are shown on **Figures 18-2 to 18-5**. The 2040 forecasts in both development scenarios assume growth in background traffic related to development in Eden Prairie and Edina. The site development traffic forecasts follow the typical trip generation, trip distribution and traffic assignment process. The estimated approach direction trip distribution is shown on **Figure 18-7**. This analysis was completed using TransModeler software.

# b. Effects on Traffic Congestion

An analysis was completed for the key intersections based on the forecast traffic volumes for each development scenario and the existing geometry. The results of that analysis for Scenario 1 are presented in **Tables 18-6 and 18-7** for Scenario 2 are presented in **Tables 18-8 thru 18-11**. Turning movements with a level of service of "D" are highlighted in yellow, level of service of "E" are highlighted in orange, and level of service "F" are highlighted in red.

Table 18-6: Measures of Effectiveness for Scenario 1 2040 AM Peak Hour

_		ı aı	ופ	10-0	. IVIC	asu	1163	<u> </u>	=mect	IVEIIE	33 10	<u> </u>	Cilai	10 1 2								
	Intersection		Tota	ıl Dela	w by	.	OS by	,	LO	S by	LOS	by			A۱	/erage &	Maxim	um Traf	fic Queu	eing (fe	et)	
Control	Location	Appr	ı	oveme		I	oveme			oach (Veh)	Interse (Sec.		Appr	ı	Left-Tun	n		Through	1	R	ight-Tu	n
ŭ			L	Т	R	L	Т	R	Delay	LOS	Delay	LOS		Ave Queue	M ax Queue	Storage	Ave Queue	M ax Queue	Storage	Ave Queue	Max Queue	Storage
g		NB	34	0	20	С	А	С	32	С			NB	216	329	320	257	399		53	203	300
Signalized	1: TH 169 NB Ramp & Bren Rd	WB	0	37	16	А	D	В	30	С	29	С	WB				151	269				
Sign	a 2101111a	EB	27	13	0	С	В	А	21	С			EB	100	177		88	179				
eq		WB	21	19	0	С	В	А	19	В			wB	47	89	140	147	247				
Signalized	2: TH 169 SB Ramp & Bren Rd	SB	20	0	26	С	A	С	25	С	21	С	SB	55	139	500	232	344		213	331	500
Sign	a bieli ku	EB	0	35	6	А	D	Α	19	В			EB				100	197		54	100	
		NB	0	0	0	A	A	Α	0	A			NB									
Signalized	3: Bren Rd &	WB	0	9	6	A	A	Α	9	A	1		WB				195	308		111	165	140
gnal	Smetana Dr	SB	49	0	50	D	A	D	49	D	13	В	SB	192	361						100	
Si		EB	49	4	0	D	A	A	6	A	1		EB	20	63	120	41	109				
		NB	12	8	5	В	A	A	8	A			NB	4	25	300	36	108		7	36	300
zed	4: Shady Oak Rd &	WB	17	11	5	В	В	A	10	В	1		WB	27	78	180	1	13		28	58	230
Signalized	Dominick Dr/Smetana Rd	SB	9	6	1	A	A	A	6	A	7	Α	SB	11	35	300	67	138		20	6	300
Sig	Di/Sinetalia Ku	EB	22	9	6	C	A	A	10	В			EB	8	30	150	16	54			0	300
		NB	15	17	12	В	В	В	14	В			NB	22	70	225	62	141		100	227	225
izec	5: Shady Oak Rd &	WB	46	25	6	D	С	А	30	С	1	_	WB	136	268		27	100		41	62	30
Signalized	Bren Rd	SB	33	16	5	С	В	А	21	С	21	С	SB	142	289	475	75	172		7	74	150
S		EB	31	32	18	С	С	В	25	С			EB	29	114	150	98	236				
pez		NB	0	4	0	А	А	А	4	Α			NB				62	165				
Signalized	6: Shady Oak Rd & Red Circle Dr N	WB	42	0	6	D	Α	А	36	D	10	В	WB	167	310					22	62	
		SB	0	6	0	А	А	А	6	А			SB				53	138				
Thru-St	7: Shady Oak Rd &	NB	0	3	5	А	А	А	4	А			NB				2	54		1	35	200
Thr	Red Circle Dr S	SB	7	2	0	А	Α	А	2	А			SB	27	72	230		10				
pez		NB	50	36	0	D	D	А	37	D			NB	55	176	240	510	697				
Signalized	8: Shady Oak Rd & TH 62 WB Ramp	WB	38	0	33	D	Α	С	36	D	30	С	WB	173	308	420	202	327		158	295	420
Sig		SB	0	19	3	А	В	А	17	В			SB				123	263		30	92	
Б		NB	0	65	34	А	Е	С	63	Е			NB				369	703		88	325	300
lize	9: Shady Oak Rd & TH 62 EB	WB	47	0	37	D	Α	D	39	D	36	D	WB	31	69	110				67	166	110
Signalized	Ramp/62nd St	SB	43	6	0	D	А	А	20	С	30	U	SB	175	263	250	51	119				
S		EB	37	50	23	D	D	С	36	D	]		EB	197	307	560	193	352		113	231	500

Table 18-7: Measures of Effectiveness for Scenario 1 2040 PM Peak Hour

		ı a	DIE	10-1	. IVIC	zası	1163	<u> </u>	Effect	IVEIIC	33 10	<u> </u>	<del>, C</del> ilia	110 1								
	Intersection		T-4						LOS	S by	LOS	by			A	verage &	Maxim	um Traf	fic Queu	eing (fe	et)	
Control	Location	Appr		I Dela overne		I	OS by		Appr (Sec	oach	Interse (Sec/	ection	Appr		Left-Tun	n		Through	n		ight-Tu	m
Ö			L	Т	R	L	Т	R	Delay	LOS	Delay	LOS		Ave Queue	M ax Queue	Storage	Ave Queue	Max Queue	Storage	Ave Queue	Max Queue	Storage
paz		NB	39	52	10	D	D	В	31	С			NB	59	160	320	114	210		43	108	300
Signalized	1: TH 169 NB Ramp & Bren Rd	wв	0	23	19	А	С	В	21	С	16	В	wв				94	162				
Sig		EB	13	2	0	В	А	А	10	В			EB	119	357		10	120				
		NB	0	0	0	А	А	А	0	А			NB									
ized	2: TH 169 SB Ramp	wв	45	4	0	D	А	А	17	В			wв	67	112	140	26	74				
Signalized	& Bren Rd	SB	34	0	7	С	A	A	13	В	10	В	SB	78	158	500	46	88		45	95	500
Si		EB	0	10	7	A	В	А	8	A			EB				116	258		81	156	
pa		wв	0	4	3	Α	А	А	4	A			WB				36	79		30	50	140
Signalized	3: Bren Rd & Smetana Dr	SB	32	0	24	С	А	С	30	С	9	Α	SB	128	255							
Sigr	Sinetalia Di	EB	11	7	0	В	A	A	7	A			EB	31	143	120	148	271				
		NB	6	6	6	A	А	А	6	A			NB	11	41	300	32	111		3	19	300
ized	4: Shady Oak Rd &	wB	56	0	14	Е	A	В	30	С			WB	25	67	180				18	51	230
Signalized	Dominick Dr/Smetana Rd	SB	19	2	1	В	A	A	4	A	6	Α	SB	31	73	300	18	62		1	17	300
Si	Dr/Smetana Rd	EB	65	0	4	E	A	A	29	С			EB	9	36	150	6	30				
_		NB	12	11	8	В	В	А	11	В			NB	27	70	225	53	180		16	82	225
Signalized	5: Shady Oak Rd &	wв	46	36	24	D	D	С	34	С			wв	120	258		127	277		53	62	30
gna	Bren Rd	SB	29	9	3	С	А	А	13	В	18	В	SB	37	101	475	37	112		3	18	150
S		EB	45	35	14	D	D	В	33	С			EB	63	154	150	49	157				
pez		NB	0	27	0	А	С	Α	27	С			NB				260	393				
Signalized	6: Shady Oak Rd & Red Circle Dr N	wв	48	0	21	D	А	С	42	D	29	С	WВ	469	651					198	634	
		SB	0	13	0	А	В	А	13	В			SB				73	151				
Thru-St	7: Shady Oak Rd &	NB	0	3	2	А	А	А	3	А			NB				4	68				
Thr	Red Circle Dr S	SB	17	2	0	С	Α	Α	3	А			SB	32	83	230						
pez		NB	32	7	0	C	Α	Α	15	В			NB	167	253	240	116	238				
Signalized	8: Shady Oak Rd & TH 62 WB Ramp	wв	51	0	23	D	Α	С	30	С	16	В	wв	31	114	420	69	134		77	179	420
Sig	sz w s	SB	0	13	10	А	В	В	12	В			SB				98	176		86	204	
р		NB	0	36	7	А	D	А	35	D			NB				249	425		20	227	300
lize	9: Shady Oak Rd &	WВ	57	0	27	Е	А	С	28	С	29	С	WB	21	154	110				218	493	110
Signalized	TH 62 EB	SB	68	4	0	Е	А	А	12	В	25	C	SB	38	75	250	17	50				
S		EB	59	30	8	Е	С	А	37	D			EB	82	151	560	16	51		33	100	500

Table 18-8: Measures of Effectiveness for Scenario 2 2040 AM Peak Hour - No Mitigation

	Table 1	8-8:	Me	asu	res	ot E	ttec	tive	ness	tor S	cena	rio 2	204	O AM								
	Intersection								109	S by	109	by .			A۱	/erage &	Maxim	um Traf	fic Queu	eing (fe	et)	
Control	Location	Appr		oveme		I .	OS by		Appr	oach (Veh)	Inters	- 1	Appr	ı	Left-Tun	n		Through	1	R	ight-Tur	'n
ŭ			L	Т	R	L	Т	R	Delay	LOS	Delay	LOS		Ave Queue	M ax Queue	Storage	Ave Queue	M ax Queue	Storage	Ave Queue	Max Queue	Storage
pa		NB	56	0	40	Е	А	D	54	D			NB	254	344	320	283	454		70	320	300
Signalized	1: TH 169 NB Ramp & Bren Rd	WB	0	45	24	А	D	С	39	D	44	D	wB				181	324				
Sig		EB	25	9	0	С	А	А	20	С			EB	137	211		50	150				
Signalized	0. TH 400 0B B	WB	21	23	0	С	С	А	23	С			WB	47	82	140	194	311				
nali	2: TH 169 SB Ramp & Bren Rd	SB	32	0	52	С	А	D	50	D	32	С	SB	52	127	500	354	469		355	486	500
Sig		EB	0	36	7	Α	D	А	21	С			EB				139	255		64	110	
paz		WB	0	8	6	А	А	А	8	А			WB				199	358		107	165	140
Signalized	3: Bren Rd & Smetana Dr	SB	286	0	397	F	А	F	303	F	36	D	SB	758	870							
Sig		EB	50	3	0	D	А	А	4	А			EB	19	61	120	41	98				
-		NB	14	8	5	В	А	А	8	А			NB	5	25	300	39	108		7	34	300
Signalized	4: Shady Oak Rd & Dominick	WB	19	20	5	В	С	А	10	В	8	А	WB	29	81	180	1	18		30	71	230
igna	Dr/Smetana Rd	SB	9	7	2	А	А	А	7	А	0	^	SB	9	42	300	86	166		1	16	300
S		EB	16	6	6	В	А	А	8	А			EB	8	34	150	16	49				
р		NB	15	19	48	В	В	D	37	D			NB	20	65	225	226	596		205	250	225
Signalized	5: Shady Oak Rd &	WB	74	28	6	Е	С	А	43	D	53	D	WB	172	342		41	134		44	63	30
igna	Bren Rd	SB	156	24	8	F	С	Α	77	Е	33		SB	436	500	475	532	1112		5	47	150
s		EB	32	34	22	С	С	С	28	С			EB	33	131	150	120	252				
zed	C. Ch. d. O. l. D.d. 8	NB	0	13	0	Α	В	Α	13	В			NB				165	303				
Signalized	6: Shady Oak Rd & Red Circle Dr N	WB	38	0	8	D	Α	Α	33	С	17	В	WB	280	494					38	80	
		SB	0	10	0	Α	В	Α	10	В			SB				86	204				
Thru-St	7: Shady Oak Rd &	NB	0	3	5	Α	А	А	4	Α			NB					6				
Th	Red Circle Dr S	SB	9	2	0	Α	Α	Α	3	Α			SB	42	108	230						
zed	0. 66-4. 0-1.04 8	NB	47	44	0	D	D	А	44	D			NB	55	346	240	635	704				
Signalized	8: Shady Oak Rd & TH 62 WB Ramp	WB	42	0	46	D	Α	D	44	D	33	С	WB	181	307	420	221	368		253	399	420
Sig		SB	0	13	3	Α	В	Α	11	В			SB				111	224		34	87	
P		NB	0	411	580	А	F	F	419	F			NB				1701	1955		159	325	300
Signalized	9: Shady Oak Rd & TH 62 EB	WB	48	0	36	D	Α	D	39	D	155	F	wв	30	71	110				72	158	110
Sign	Ramp/62nd St	SB	52	8	0	D	Α	Α	24	С			SB	190	358	250	94	151				
3,	Ramp/62nd St	EB	166	122	92	F	F	F	136	F			EB	534	585	560	1389	2513		236	525	500

Table 18-9: Measures of Effectiveness for Scenario 2 2040 PM Peak Hour - No Mitigation

	Table 1	8-9	: IVIE	asu	res	OT E	<u>:11ec</u>	tive	ness	tor S	cena	ario 2	2 204	<u> 10 PN</u>								
	Intersection								109	S by	109	S by			A۱	erage &	Maxim	um Traf	fic Queu	eing (fe	et)	
Control	Location	Appr		I Dela overne		I	OS by		Appr (Sec	oach	Inters		Appr		Left-Tun	n		Through	1		ight-Tur	m
٥			L	Т	R	L	Т	R	Delay	LOS	Delay	LOS		Ave Queue	M ax Queue	Storage	Ave Queue	Max Queue	Storage	Ave Queue	Max Queue	Storage
pa		NB	62	70	13	Е	Е	В	51	D			NB	142	244	320	185	274		46	141	300
Signalized	1: TH 169 NB Ramp & Bren Rd	WВ	0	26	21	А	С	С	24	С	23	С	WВ				105	217				
Sig		EB	17	2	0	В	Α	Α	13	В			EB	144	289		15	90			1	
pez		wв	46	4	0	D	Α	Α	14	В			wв	69	124	140	36	80				
Signalized	2: TH 169 SB Ramp & Bren Rd	SB	32	0	10	С	А	В	13	В	16	В	SB	73	154	500	71	131		61	136	500
Sig		EB	0	22	11	Α	С	В	17	В			EB				291	356		128	215	
Signalized	3: Bren Rd &	wв	0	5	3	Α	А	Α	4	Α			WВ				56	113		35	75	140
nali	Smetana Dr	SB	44	0	41	D	Α	D	43	D	15	В	SB	176	305							
Sig		EB	27	16	0	С	В	Α	16	В			EB	71	145	120	268	318				
Þ		NB	7	5	5	Α	Α	Α	5	Α			NB	12	40	300	31	102		4	20	300
Signalized	4: Shady Oak Rd & Dominick Dr/Smetana Rd	wв	60	0	10	Е	Α	В	38	D	5	A	WB	19	53	180				11	42	230
Sign	Dominick	SB	16	2	1	В	Α	Α	4	Α			SB	31	87	300	16	76		1	16	300
		EB	42	0	4	D	А	Α	20	С			EB	9	42	150	8	27				
p		NB	11	10	9	В	В	Α	10	В			NB	24	68	225	41	100		14	49	225
Signalized	5: Shady Oak Rd &	WB	47	44	28	D	D	С	36	D	17	В	WB	112	215		169	365		54	60	30
Sign	Bren Rd	SB	29	8	3	С	Α	Α	13	В			SB	49	134	475	42	102		4	25	150
_		EB	51	37	15	D	D	В	35	D			EB	56	150	150	49	147				
lizec	6: Shady Oak Rd &	NB	0	90	0	Α	F	Α	90	F		_	NB				399	417				
Signalized	Red Circle Dr N	WB	58	0	24	Е	Α	С	51	D	60	E	WB	634	665					626	663	$\vdash$
		SB	0	23	0	Α	С	Α	23	С			SB				125	213				
Thru-St	7: Shady Oak Rd & Red Circle Dr S	NB	0	43	9	A	E	Α .	31	D .			NB				294	331		218	225	200
		SB	17	3	0	С	Α	A	4	A			SB	31	78	230	1	28				$\vdash \vdash$
Signalized	8: Shady Oak Rd &	NB	37	89	0	D	F	A	75	E	47	D	NB	389	721	240	664	758		4.5		
igns	TH 62 WB Ramp	WB	46	0	41	D	A	D	42	D	71		WB	20	87	420	64	170		184	323	420
0,		SB	0	23	12	Α .	С	В	19	В			SB				167	270		123	244	
pez	9: Shady Oak Rd &	NB	0	318	314	A	F	F	318	F			NB		44:-	4.55	1479	1949		105	325	300
Signalized	TH 62 EB	WB	62	0	128	E	Α.	F .	127	F	222	F	WB	521	1412	110				864	1560	110
Sig	Ramp/62nd St	SB	80	4	0	F	A	A	11	В			SB	36	80	250	20	59			500	-
$\Box$	TH 62 EB	EB	631	322	273	F	F	F	514	F			EB	429	585	560	1005	2298		57	523	500

Table 18-10: Measures of Effectiveness for Scenario 2 2040 AM Peak Hour with Mitigation

	l able 1	8-10	: IVIE	easu	<u>ures</u>	OI	Effe	Ctiv	eness	s tor a	scen	ario .	<u> </u>	40 AI								
	Intersection								LOS	S by	LOS	S by			A۱	/erage 8	Maxim	um Traf	fic Queu	eing (fe	et)	
Control	Location	Appr		oveme			OS by		Appr	oach (Veh)	Inters	ection (Veh)	Appr		_eft-Tun	n		Through	1		ight-Tu	лn
ŭ			L	Т	R	L	Т	R	Delay	LOS	Delay	LOS		Ave Queue	M ax Queue	Storage	Ave Queue	M ax Queue	Storage	Ave Queue	Max Queue	Storage
ed		NB	42	0	26	D	Α	С	40	D			NB	245	329	320	280	360		42	93	300
Signalized	1: TH 169 NB Ramp & Bren Rd	WB	0	42	19	А	D	В	35	D	35	D	WB				163	288				
Sig		EB	26	9	0	С	А	А	20	С			EB	144	232		54	153				
Signalized	2: TH 169 SB Ramp	WB	22	23	0	С	С	А	23	С			WB	47	84	140	192	283				
nali	& Bren Rd	SB	36	0	66	D	Α	Е	64	Е	37	D	SB	58	201	500	427	661		425	555	500
Sig		EB	0	37	8	А	D	А	22	С			EB				132	216		67	145	
zed		WB	0	10	6	А	В	А	10	В			WB				233	376		125	240	140
Signalized	3: Bren Rd & Smetana Dr	SB	42	0	25	D	А	С	39	D	12	В	SB	156	289					33	108	300
Sig		EB	53	5	0	D	А	А	6	Α			EB	20	64	120	51	123				
p		NB	13	7	4	В	А	Α	7	А			NB	3	22	300	34	103		5	28	300
lize	4: Shady Oak Rd & Dominick	WB	19	8	5	В	А	А	10	В	7	А	WB	29	77	180	1	17		30	71	230
Signalized	Dr/Smetana Rd	SB	9	7	2	А	А	А	7	Α	,	^	SB	9	37	300	84	169		1	9	300
S		EB	19	5	7	В	А	А	10	В			EB	10	40	150	16	56				
Þ		NB	16	17	26	В	В	С	23	С			NB	20	66	225	69	363		200	324	225
Signalized	5: Shady Oak Rd &	WB	71	27	6	Е	С	Α	41	D	25	С	WB	166	336		24	73		35	96	30
igna	Bren Rd	SB	23	17	6	С	В	Α	19	В			SB	79	158	475	85	206		5	24	150
S		EB	33	35	21	С	D	С	28	С			EB	28	87	150	118	234				
Signalized	6: Shady Oak Rd &	NB	0	9	0	А	Α	Α	9	Α			NB				111	311				
ınal	Red Circle Dr N	WB	37	0	12	D	Α	В	33	С	15	В	WB	185	280					40	93	
		SB	0	10	0	Α	В	Α	10	В			SB				97	222				<u> </u>
Signaliz	7: Shady Oak Rd &	NB	0	7	4	Α	Α	Α	5	Α	5	А	NB				91	248		45	186	<u> </u>
-	Red Circle Dr S	SB	54	2	0	D	Α	Α	6	Α			SB	98	194	230	3	67				
Signalized	8: Shady Oak Rd &	NB	56	8	0	Е	Α	Α	11	В			NB	52	110	25	125	182				<u> </u>
gnal	TH 62 WB Ramp	WB	52	0	33	D	Α	С	43	D	19	В	WB	219	380	420	256	387		182	297	420
Si		SB	0	9	2	Α	Α	Α	8	Α			SB				64	185		28	91	
pa	0. 01-4. 0-1.5.10	NB	0	53	14	Α	D	В	51	D			NB				321	542		59	400	300
Signalized	9: Shady Oak Rd & TH 62 EB	WB	45	0	25	D	Α	С	30	С	36	D	WB	30	79	110				55	134	110
Sign	Ramp/62nd St	SB	52	9	0	D	Α	Α	24	С			SB	183	292	250	131	183				
		EB	43	51	26	D	D	С	40	D			EB	231	354	560	192	350		126	304	500

Table 18-11: Measures of Effectiveness for Scenario 2 2040 PM Peak Hour with Mitigation

	l able 1	<u>0-11</u>	I . IVI	cas	ures	01	LIIE	CLIV	CHES	9 101 4	CEII	ario	2 20	40 6								-
	Intersection		Tota	ıl Dela	v bv	١.	OS by	,	LOS	S by	LOS	by by			A	verage &	Maxim	um Trat	ffic Queu	eing (fe	et)	
Control	Location	Appr		oveme		I	oveme		Appr (Sec		Inters (Sec	vetion Veh)	Appr		Left-Tun	n		Through	h	R	ight-Tu	m
ŏ			L	Т	R	L	Т	R	Delay	LOS	Delay	LOS		Ave Queue	M ax Queue	Storage	Ave Queue	Max Queue	Storage	Ave Queue	Max Queue	Storage
pez		NB	67	0	12	Е	А	В	54	D			NB	160	280	320	202	351		39	90	300
nali	1: TH 169 NB Ramp & Bren Rd	wв	0	26	21	А	С	С	24	С	28	С	wв				92	207				
Signalized	a bronna	EB	26	2	0	С	А	А	20	С			ЕВ	254	475		38	478				
_		WB	46	3	0	D	A	A	13	В			WB	67	113	140	17	75				
Signalized	2: TH 169 SB Ramp										12	В								40	400	500
ign	& Bren Rd	SB	37	0	10	D	A	В	14	В		_	SB	74	154	500	77	138		46	126	500
		EB	0	15	8	Α	В	Α	12	В			EB				161	334		100	184	
Signalized	3: Bren Rd &	WB	0	4	3	Α	Α	Α	4	Α			WB				55	117		36	79	140
gna	Smetana Dr	SB	31	0	5	С	Α	Α	24	С	8	Α	SB	91	210					29	64	300
Si		EB	13	8	0	В	Α	Α	8	Α			EB	30	53	120	203	295				
ъ		NB	8	6	5	Α	Α	Α	6	Α			NB	12	46	300	36	86		5	64	300
llize	4: Shady Oak Rd & Dominick	wв	39	0	18	D	А	В	30	С	6	А	WB	19	50	180				13	47	230
Signalized	Dr/Smetana Rd	SB	21	2	1	C	А	А	4	А	۰	_	SB	28	70	300	19	67		1	16	300
S		EB	45	0	4	D	А	Α	21	С			EB	7	48	150	6	24				
		NB	18	15	10	В	В	В	15	В			NB	42	89	225	110	202		37	98	225
Signalized	5: Shady Oak Rd &	wв	53	38	23	D	D	С	34	С		_	wв	122	242		107	256		99	130	30
gna	Bren Rd	SB	25	10	5	С	В	A	13	В	20	С	SB	31	66	475	38	99		4	33	150
S		EB	49	32	16	D	С	В	34	С	1		EB	70	158	150	59	170				
eq		NB	0	33	0	A	С	A	33	С			NB		100		286	404				
aliz	6: Shady Oak Rd &	WB	48	0	24	D	A	c	43	D	35	D	WB	594	600		200	707		588	636	
Signalized	Red Circle Dr N	SB	0	17	0	A	В	A	17	В			SB				129	221				
	7: Shady Oak Rd &	NB	0	5	2	A	A	A	4	A			NB				62	127		38	91	
Signaliz	Red Circle Dr S	SB	30	6	0	c	A	A	7	A	6	Α	SB	63	117	230	21	255		30		
_																						
Signalized	8: Shady Oak Rd &	NB	35	5	0	D	Α	A	13	В	17	В	NB	188	219	240	100	201				
igna	TH 62 WB Ramp	WB	42	0	28	D	А	С	30	С	"		WB	16	52	420	64	125		175	338	420
s		SB	0	19	16	Α	В	В	18	В			SB				206	297		158	261	
pa	Or Chady Oak Data	NB	0	39	8	Α	D	Α	38	D			NB				287	505		25	400	300
aliz	9: Shady Oak Rd &	WВ	57	0	31	Е	Α	С	32	С	30	С	WB	47	260	110				215	381	110
Signalized	Ramp/62nd St	SB	77	1	0	Е	Α	Α	8	Α			SB	33	91		17	48				
,	Ramp/62nd St	EB	55	33	9	Е	С	Α	41	D			EB	109	181	560	19	48		33	88	500

In Scenario 1, all of the key intersections are expected to still operate at an acceptable level of service in the am and pm peak hours. The Shady Oak Road and TH 62 EB ramp intersection is expected to fall from a level of service "C" to level of service "D" in this scenario. In the pm peak hour, all of the intersections are expected to operate at level of service "C" or better.

In Scenario 2, the following intersections are expected to have unacceptable levels of service in either the AM or PM peak hours.

- SB TH 169 Ramp intersection with Bren Road (AM peak hour)
- Smetana Lane and Bren Road (AM peak hour)
- Red Circle Drive N and Shady Oak Road (PM peak hour)
- Red Circle Drive S and Shady Oak Road (AM peak hour)
- TH 62 EB Ramp and Shady Oak Road (AM peak hour)
- c. Identify measures that will be taken to minimize or mitigate project related transportation effects.

No mitigation is required for Scenario 1.

For Scenario 2, the following mitigation is required:

- 1. Add a second right turn lane on southbound TH 169 exit ramp to Bren Road with a minimum storage of 300 feet. (Intersection 2)
- 2. Add right turn lane on southbound Smetana at Bren Road with a storage of 300 feet and convert the existing shared left and right turn lane to left turn only, thus providing two left turn only lanes. (Intersection 3) (Currently two lanes and would need to add a lane)
- 3. Add second left turn lane on Southbound Shady Oak Road at Bren Road with a minimum storage of 300 feet. Need protected left turn movements on east/west approaches to this intersection. (Intersection 6)
- 4. Add an additional left turn lane with a minimum storage of 500 feet on westbound Red Circle Drive North at the approach to Shady Oak Road, thus providing this approach with dual lefts and a right turn lane. (Intersection 7)
- 5. Signalize the south intersection of Shady Oak Road and Red Circle Drive South. (Intersection 8)
- 6. At Shady Oak Road and Red Circle Drive South, allow right turns from the outside northbound through lane into Red Circle Drive. Extend the existing right turn lane all the way to the TH 62 westbound ramps intersection. (Intersection 8)
- 7. Reconfigure the Shady Oak Drive northbound approach at the TH 62 westbound ramps intersection to allow a third northbound through lane which drops into the right turn lane at Red Circle Drive. Shorten the inside left-turn lane so that only four lanes are needed under the TH 62 bridge. (Intersection 9)

With the above mitigation, an acceptable level of service can be maintained at the key intersections into the site under Scenario 2. The results of the analysis of the intersections with the above improvements for the AM and PM peak hours is shown in Tables 18-5 to 18-6.

It may be some time before these improvements are needed and they will depend on the timing and location of development. There are three general areas that account for most of the increased trip generation between Scenario 1 and Scenario 2. One of the areas is located around the Opus LRT Station site in the middle of the study area. Another is located on the south end of Blue Circle Drive. The last area is located near Shady Oak Road along Red Circle Drive. The City should monitor traffic levels as development occurs within the Opus Study Area and should do additional traffic evaluation if development in these areas exceed the Scenario 1 development levels identified to determine when the mitigation needs to be implemented.

# 19) CUMULATIVE POTENTIAL EFFECTS

The AUAR itself analyzed cumulative impacts of development in this area and identified impact to infrastructure. Guidance for the AUAR states that because an AUAR by its nature is intended to deal with cumulative potential effects from future development within the AUAR, the AUAR should focus on influence of the development by past, present, or reasonably foreseeable future projects outside of the study area. There are no cumulative impacts other than those addressed throughout the AUAR.

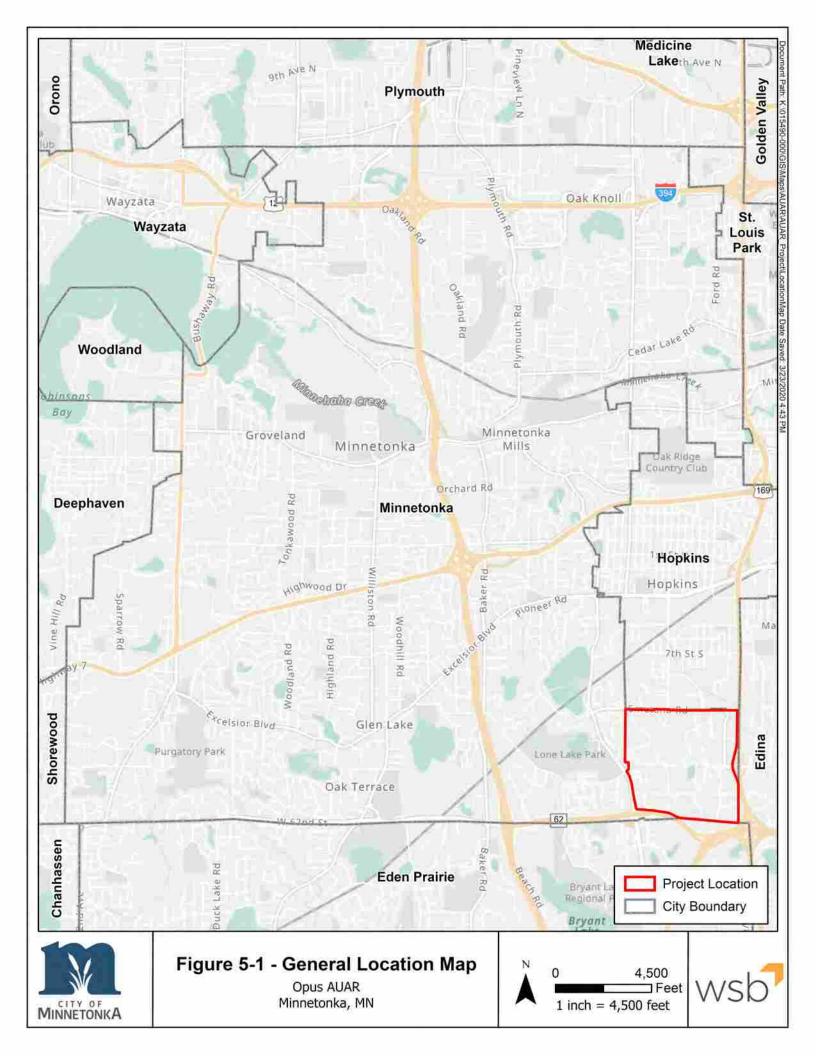
# 20) OTHER POTENTIAL ENVIRONMENTAL EFFECTS

If the project may cause any additional environmental effects not addressed by items 1 to 19, describe the effects here, discuss the how the environment will be affected, and identify measures that will be taken to minimize and mitigate these effects.

No additional environmental effects have been identified.

**APPENDIX A** 

Figures



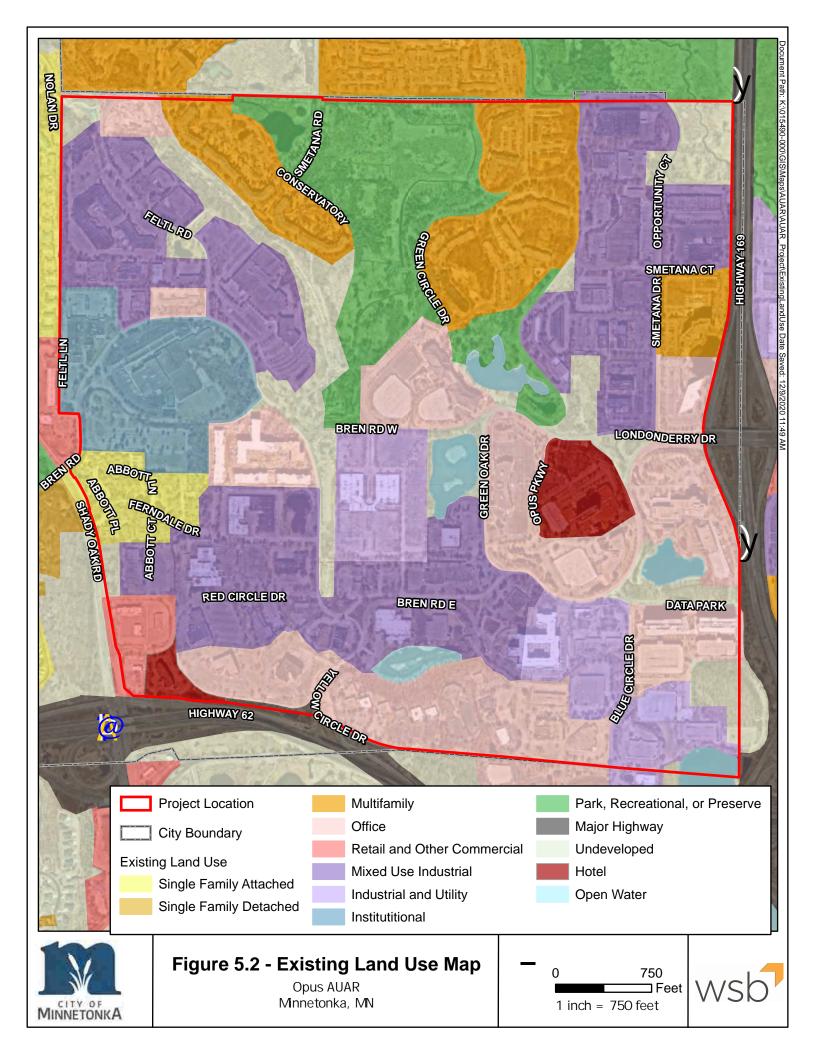
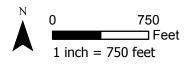




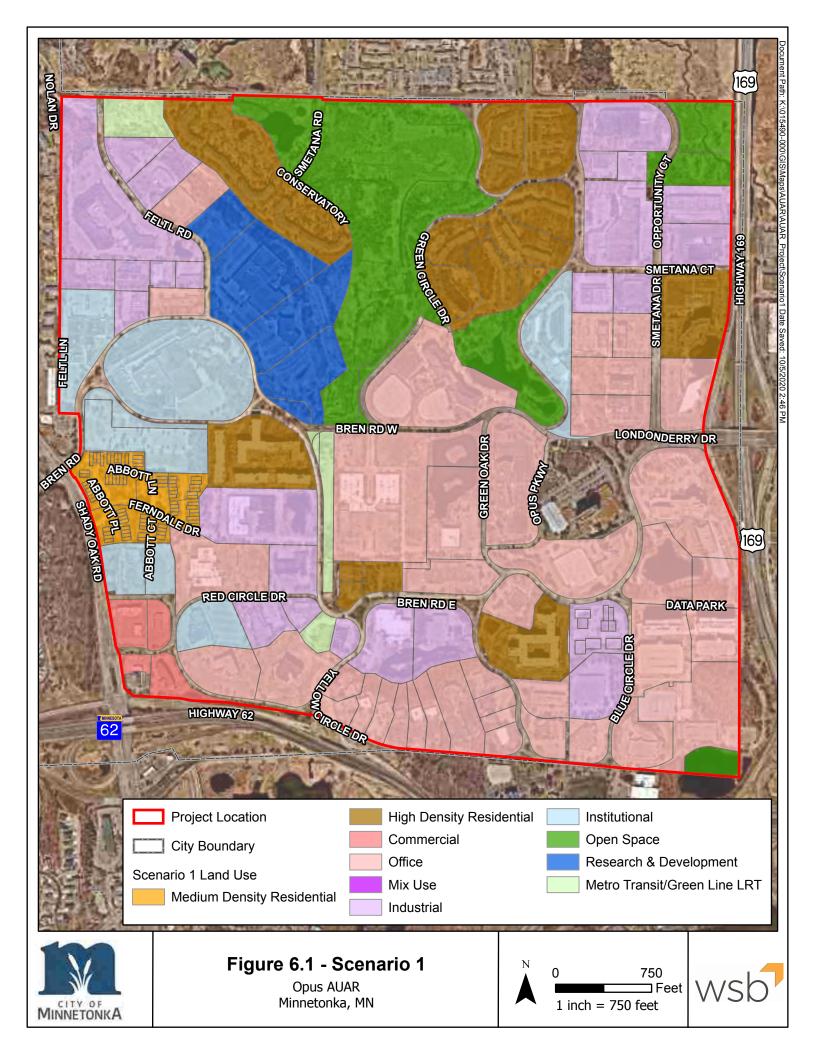


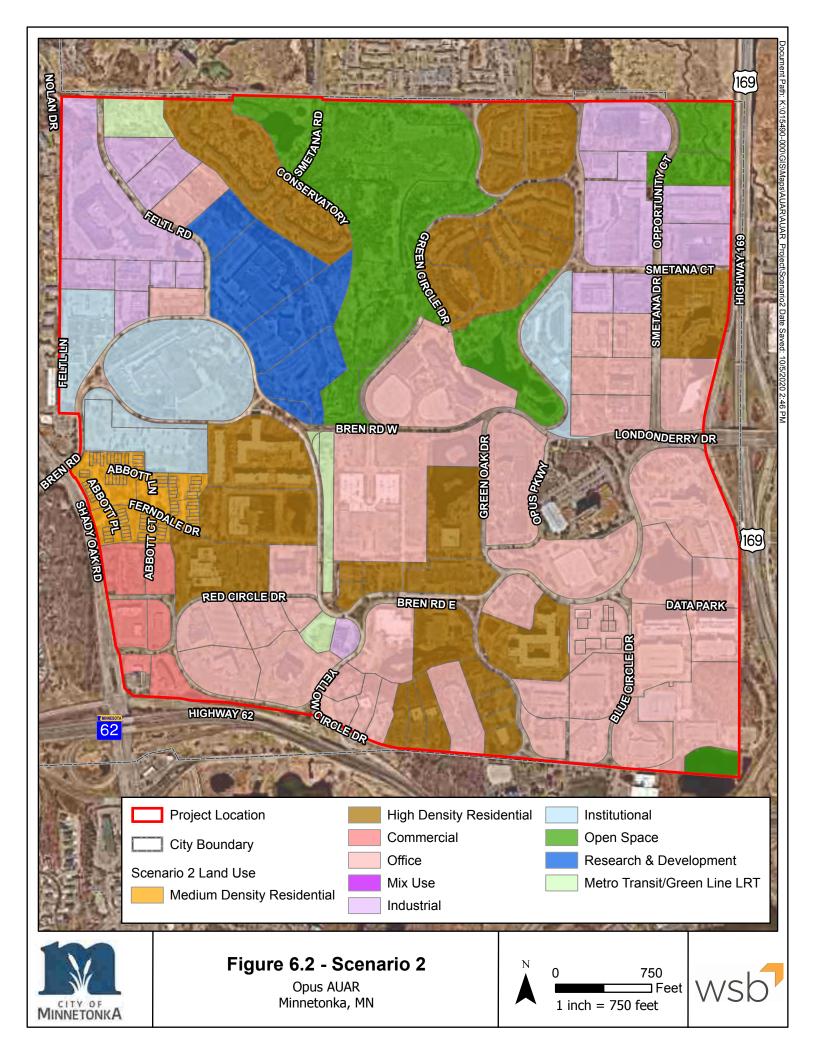
Figure 5-3 - Aerial Map

Opus AUAR Minnetonka, MN









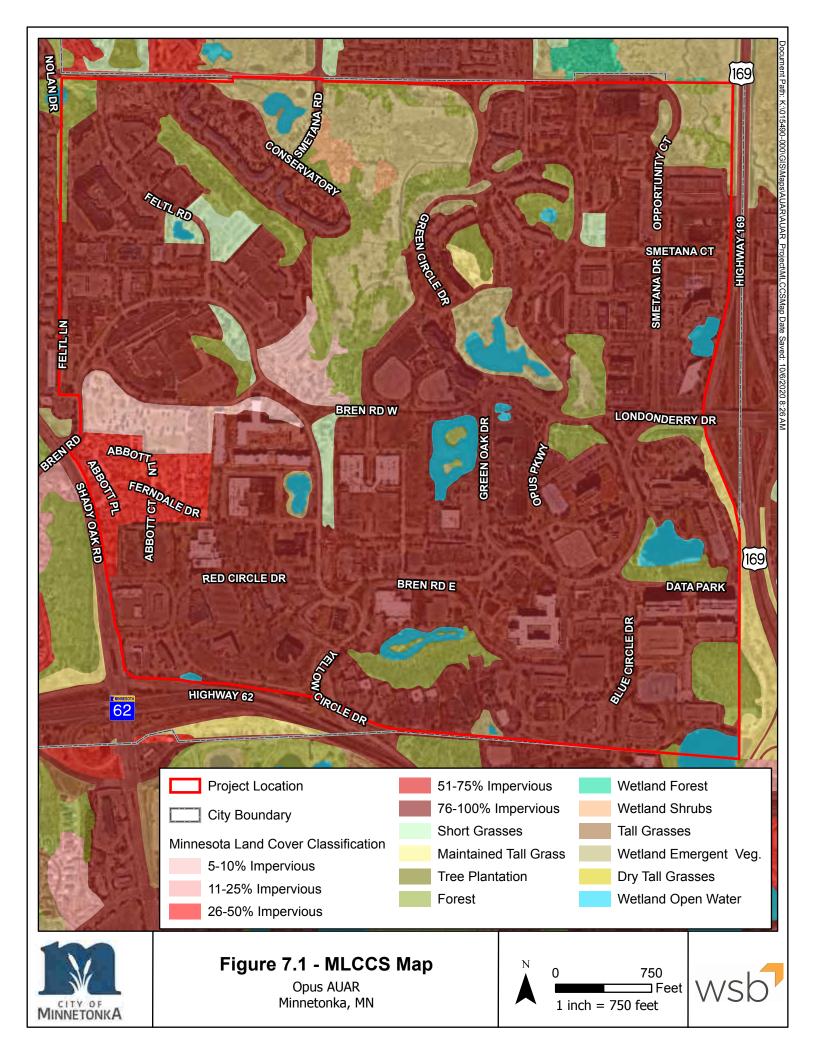
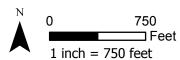




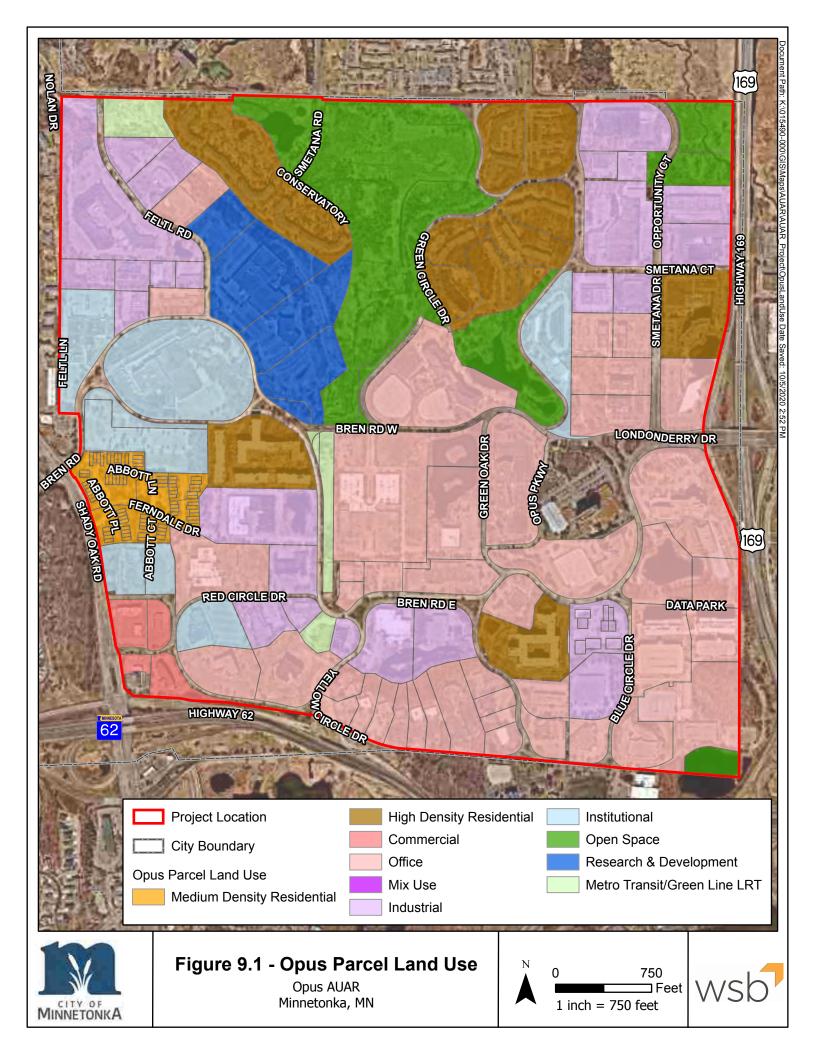


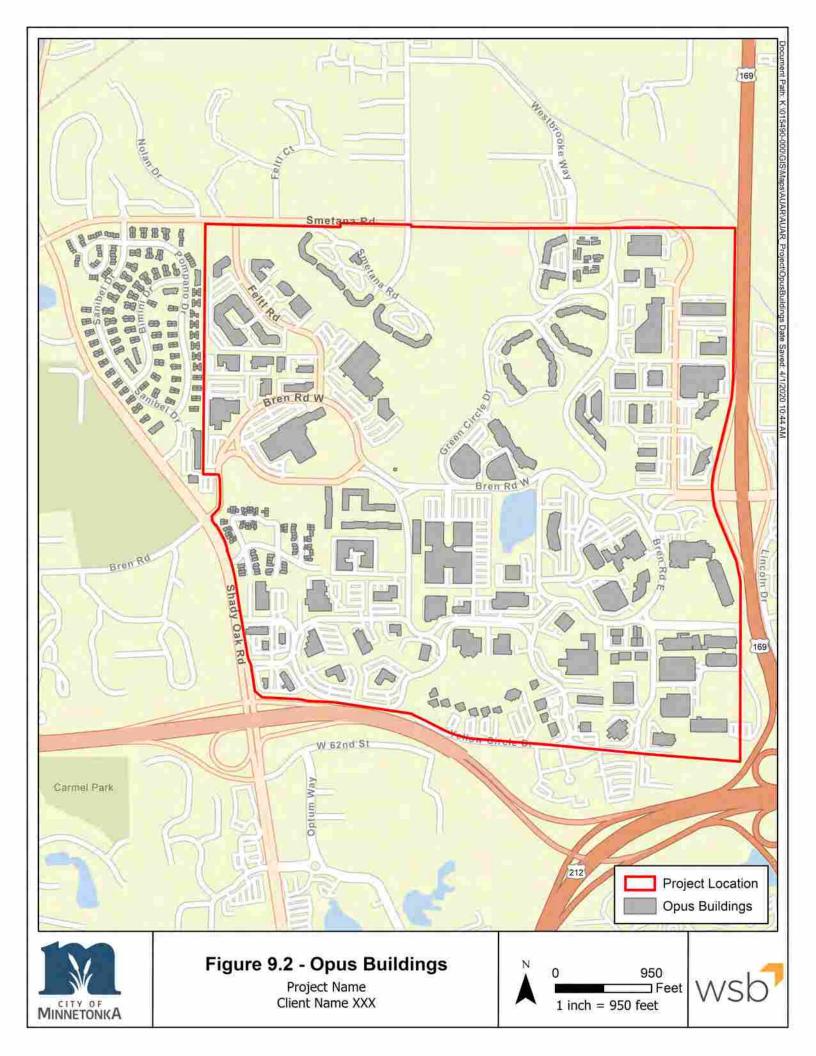
Figure 7.2 - National Wetland Inventory & Public Waters Map

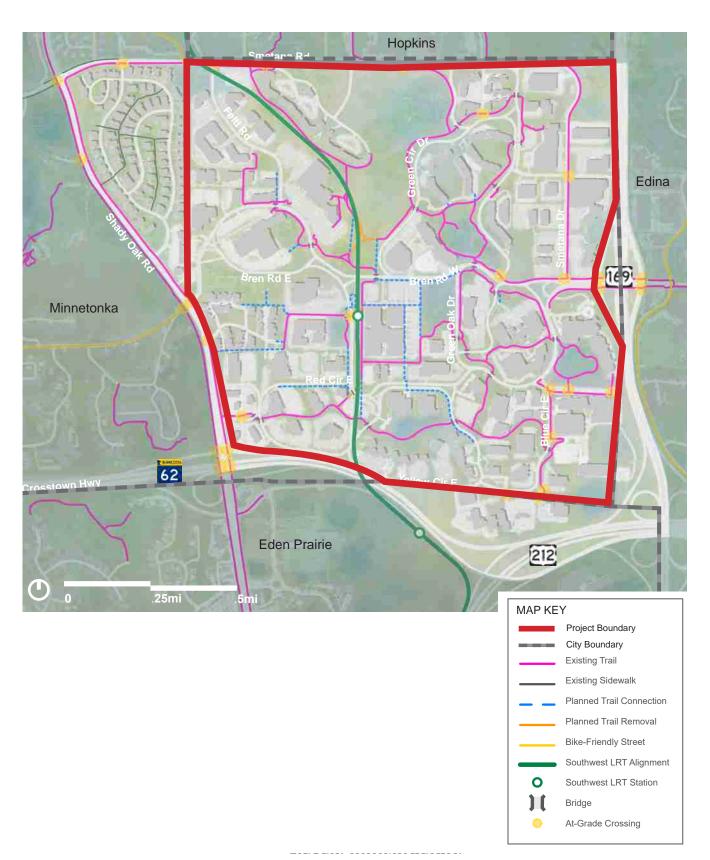
Opus AUAR Minnetonka, MN











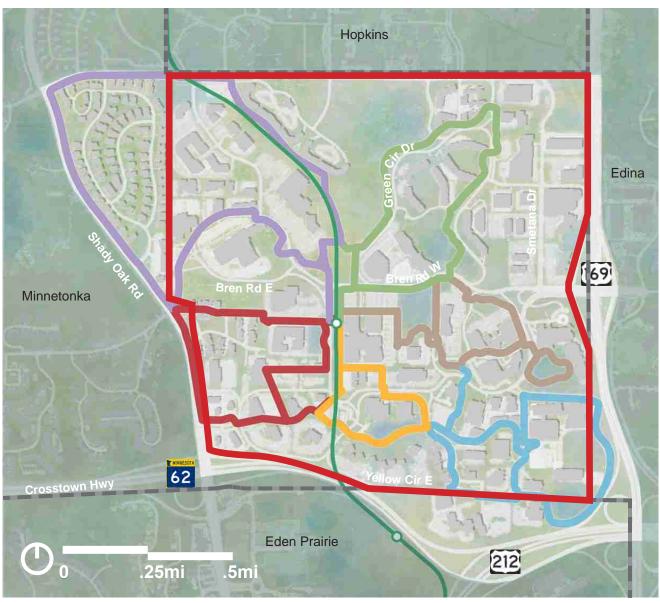
Source: Opus Area Placemaking + Urban Design Implementation Guide, Asakura Robinson / WSB, 2019



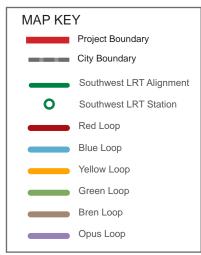








Source: Opus Area Placemaking + Urban Design Implementation Guide, Asakura Robinson / WSB. 2019

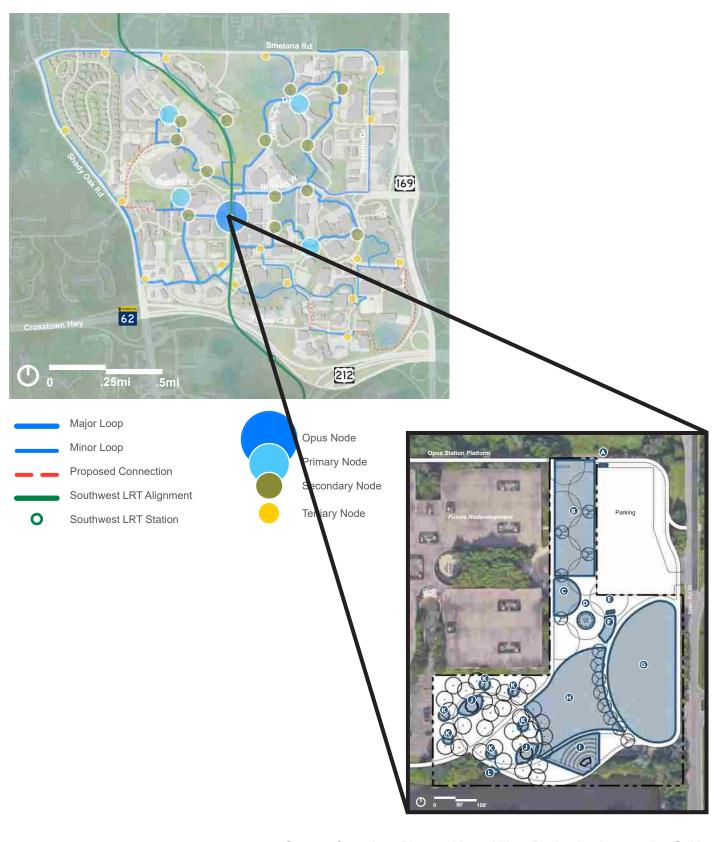












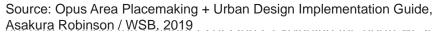
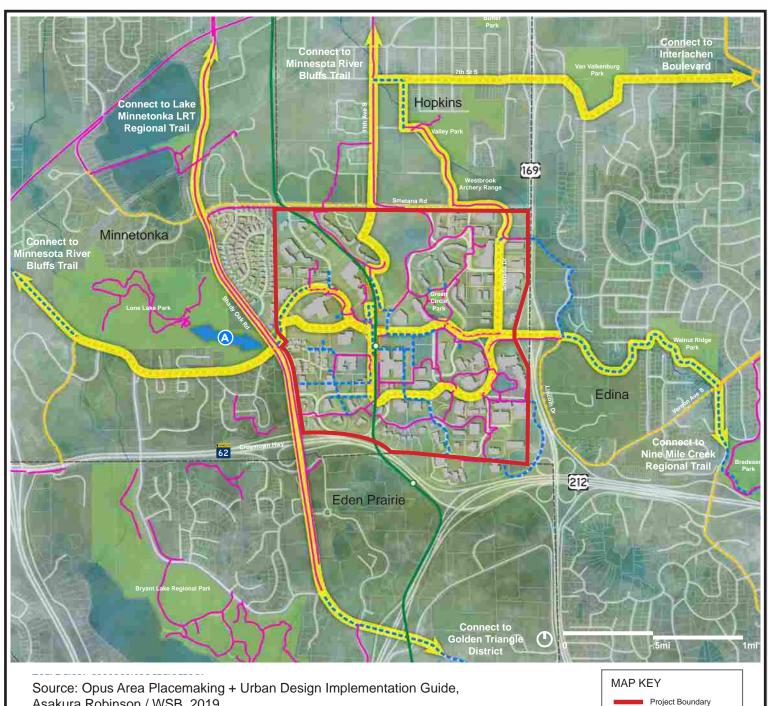




Figure 9.5 - Planned Opus Park Space Map







Asakura Robinson / WSB, 2019

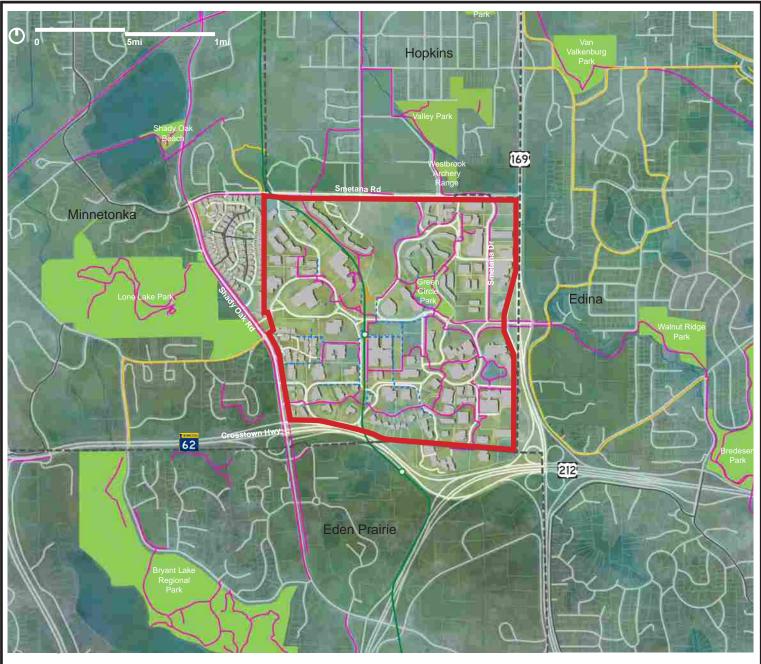




Figure 9.6 -**Regional Connections** to Parks & Trails







Source: Opus Area Placemaking + Urban Design Implementation Guide, Asakura Robinson / WSB, 2019





Figure 9.7 - Nearby Parks and Trails Map

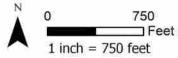




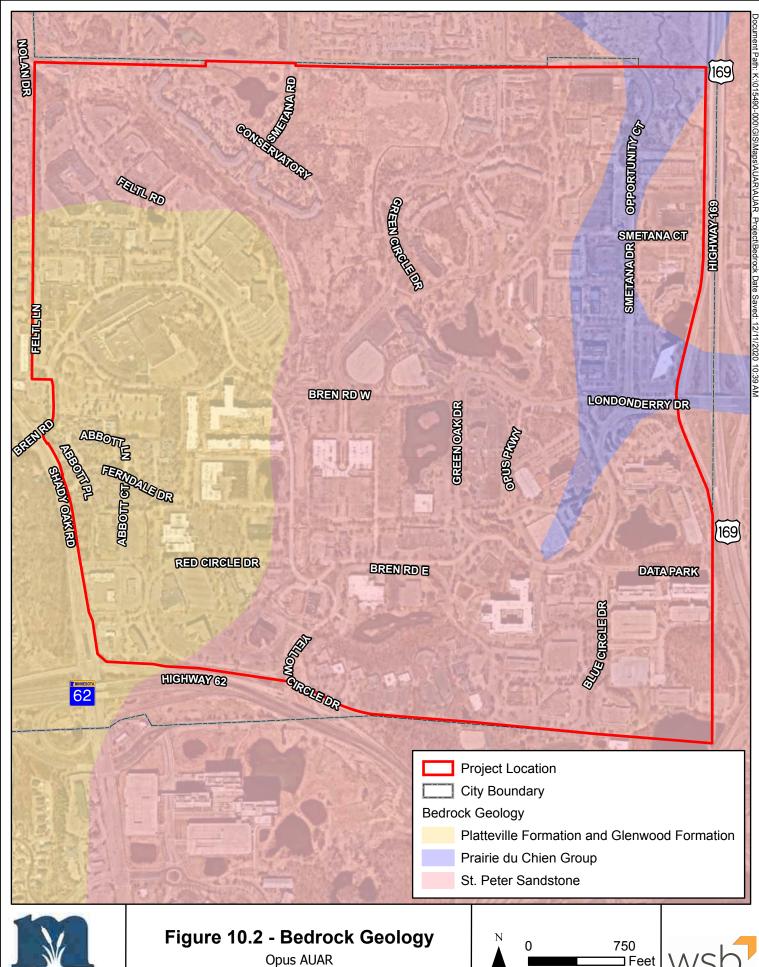




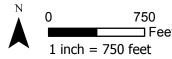
Figure 10.1 - Surficial Geology



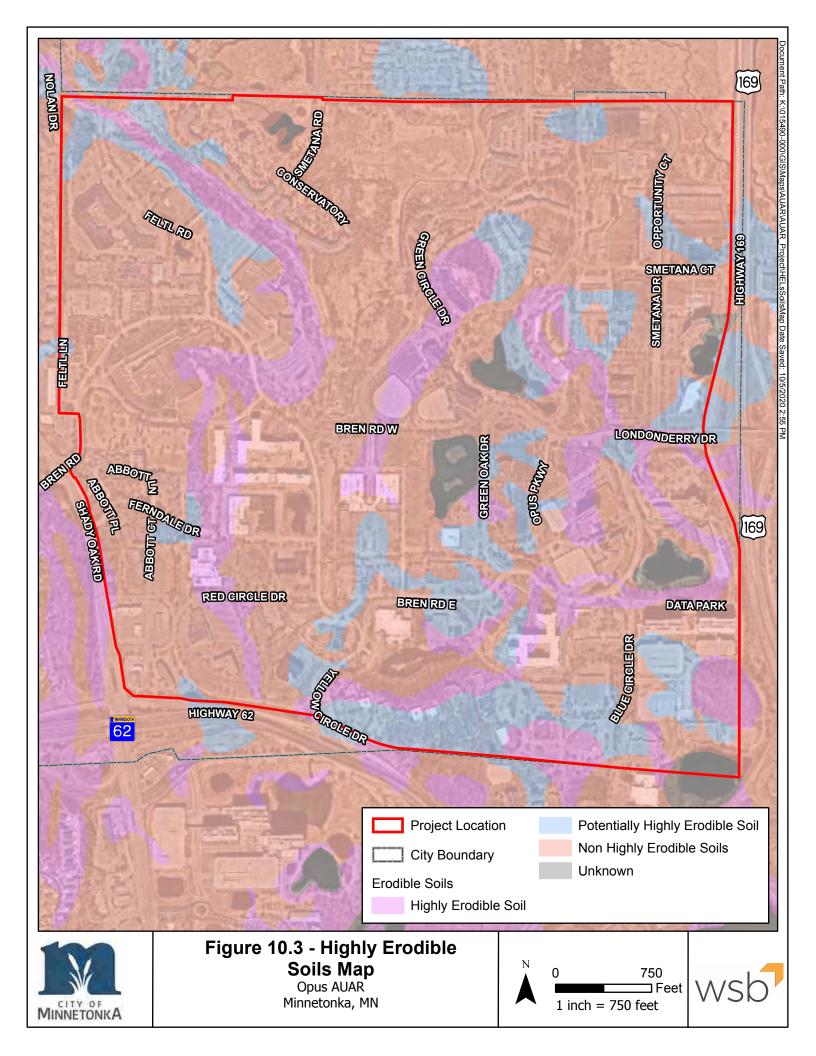


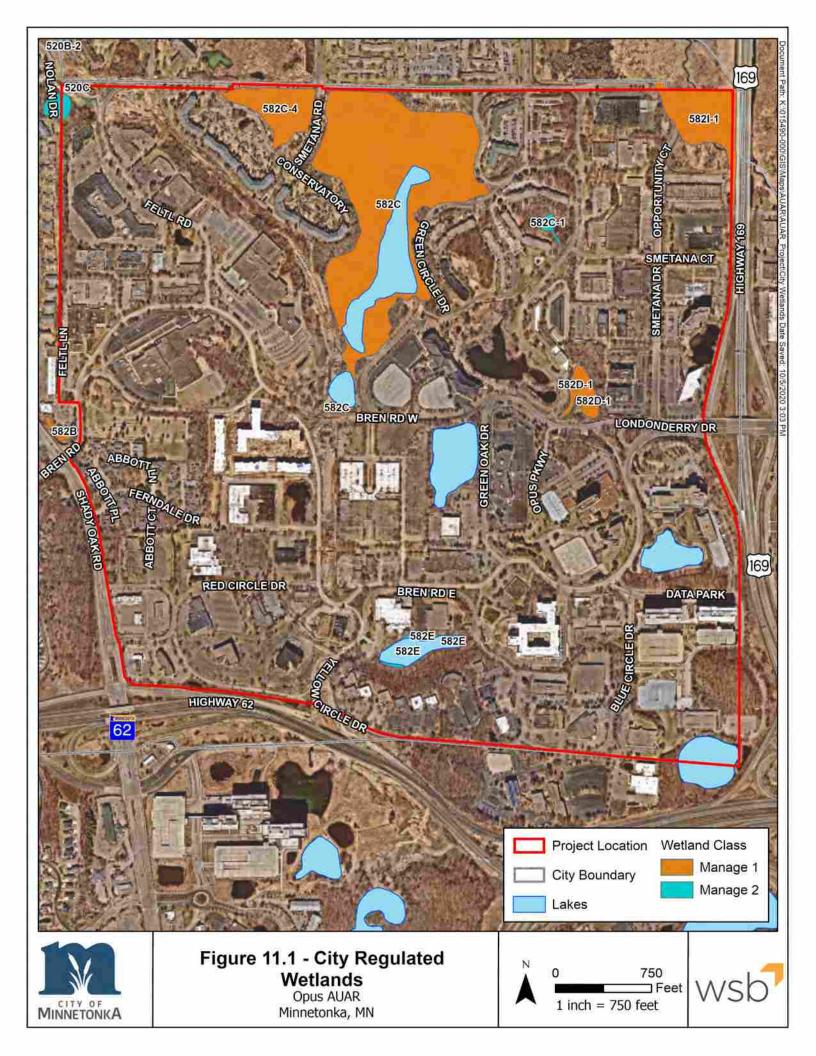












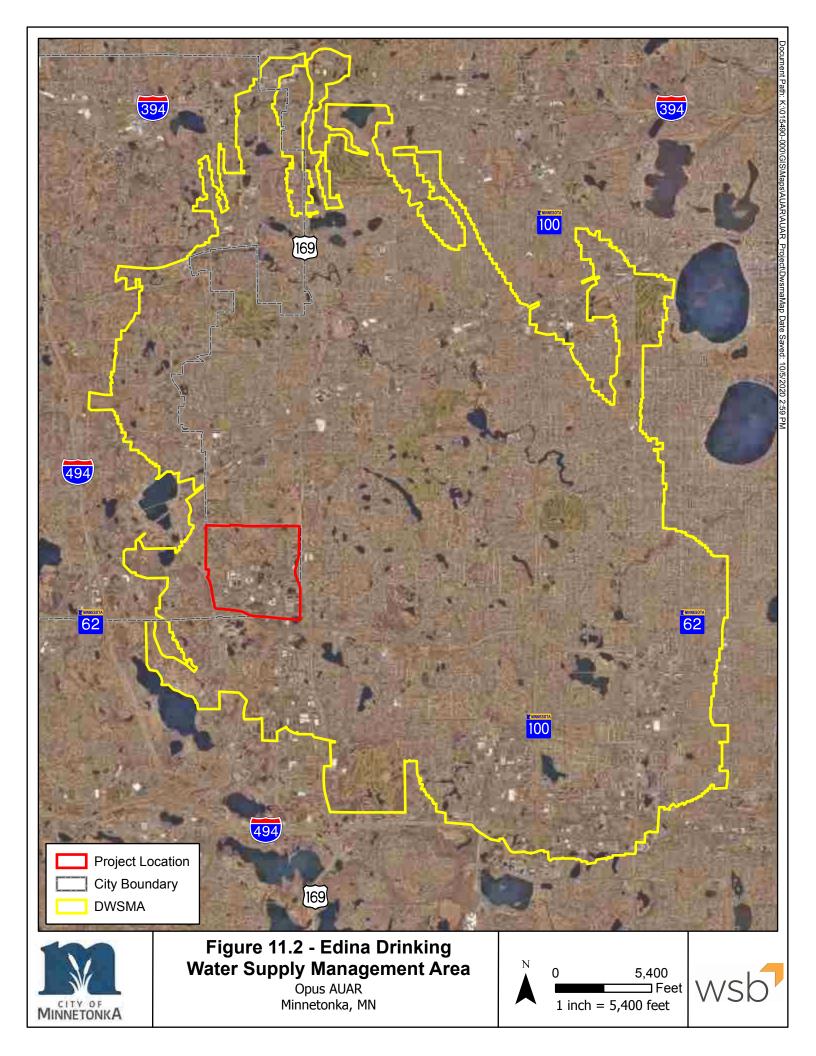
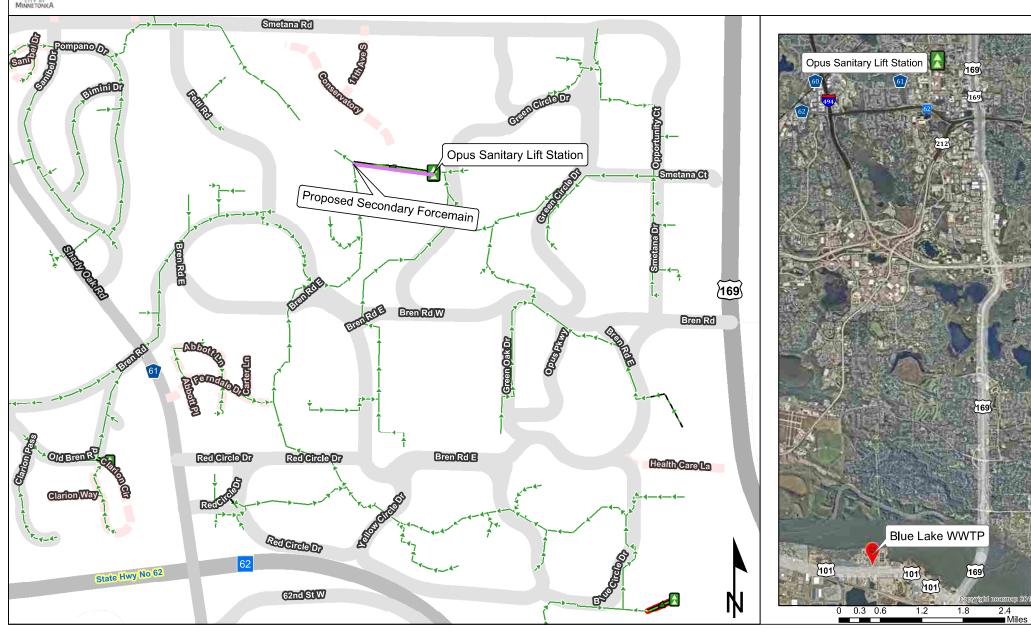




Figure 11.3: Opus Area AUAR Sanitary Sewer



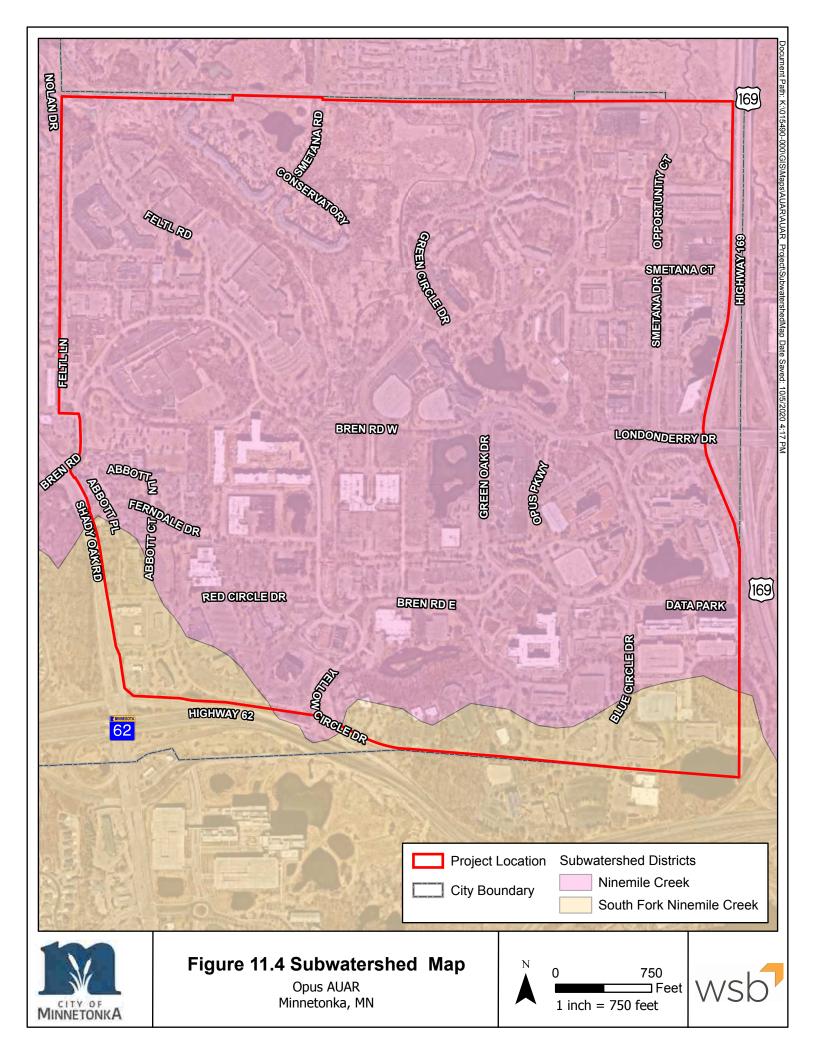
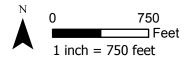


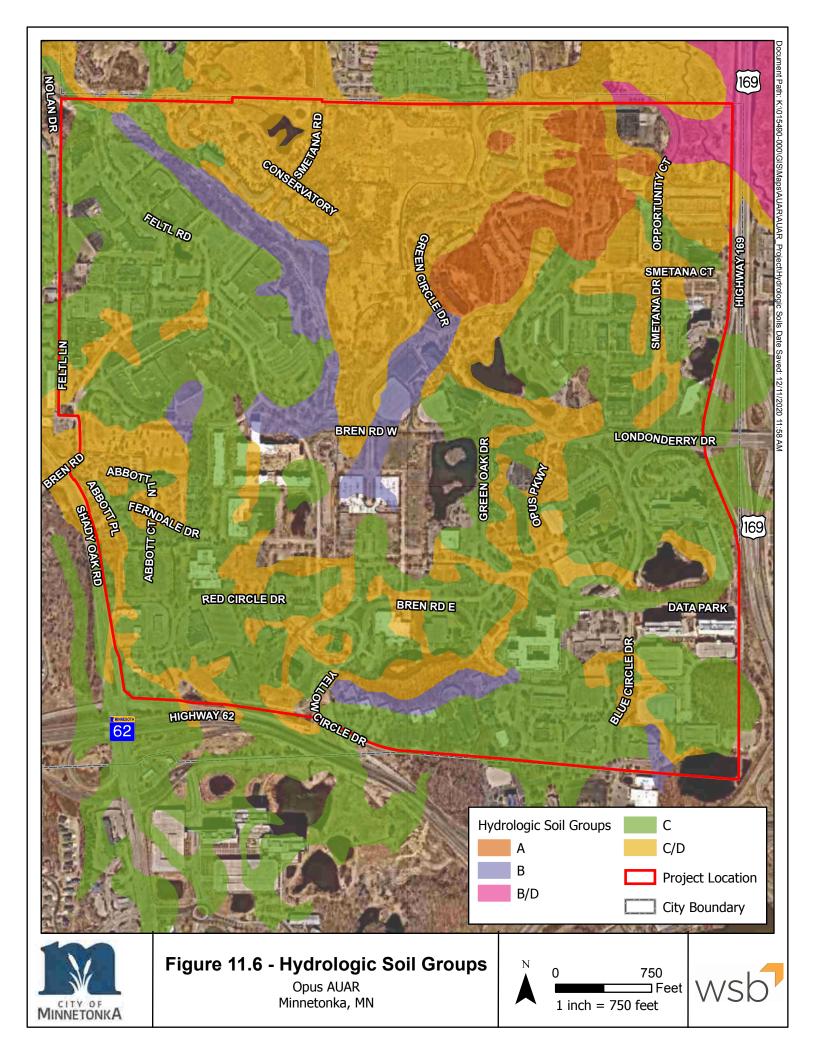


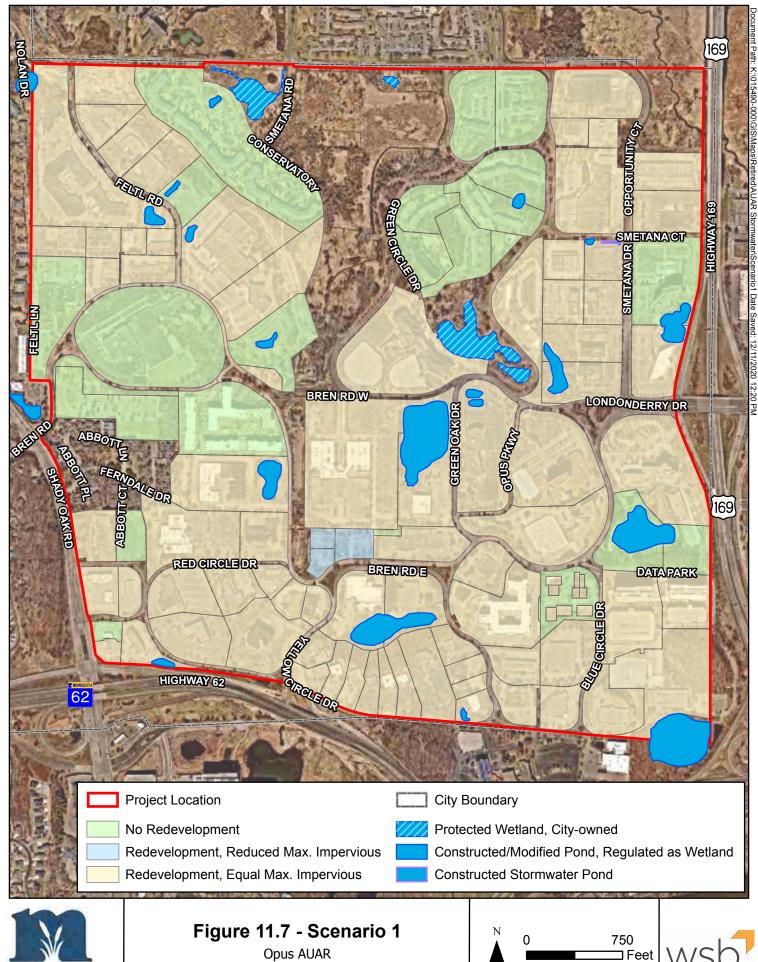


Figure 11.5 - FEMA Map



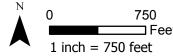




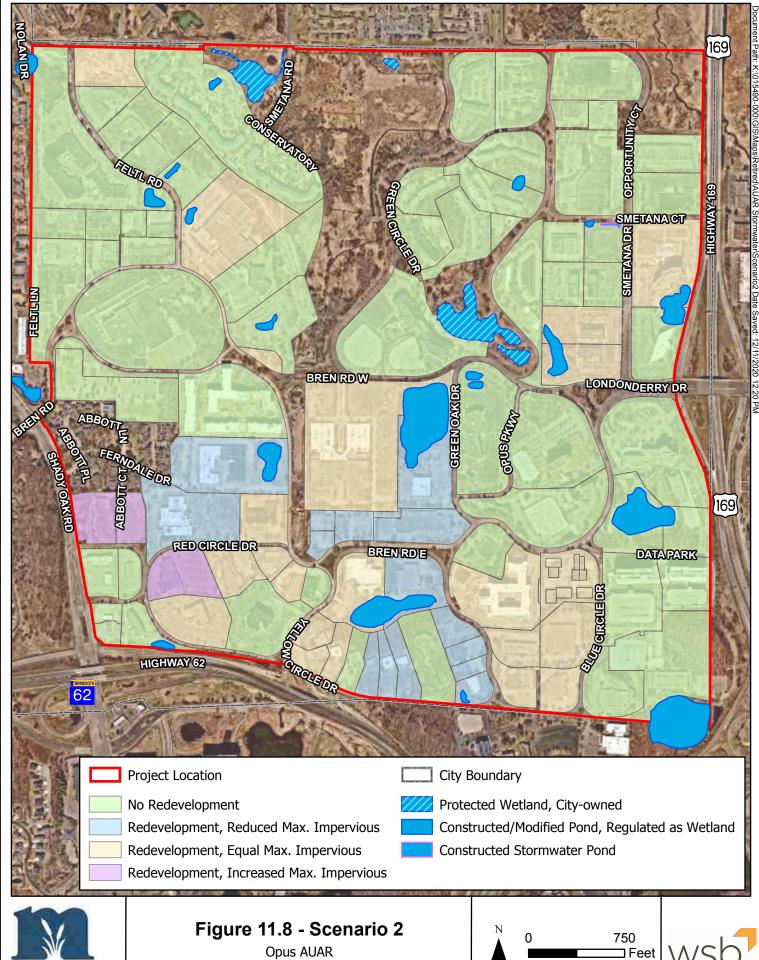




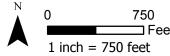
Minnetonka, MN



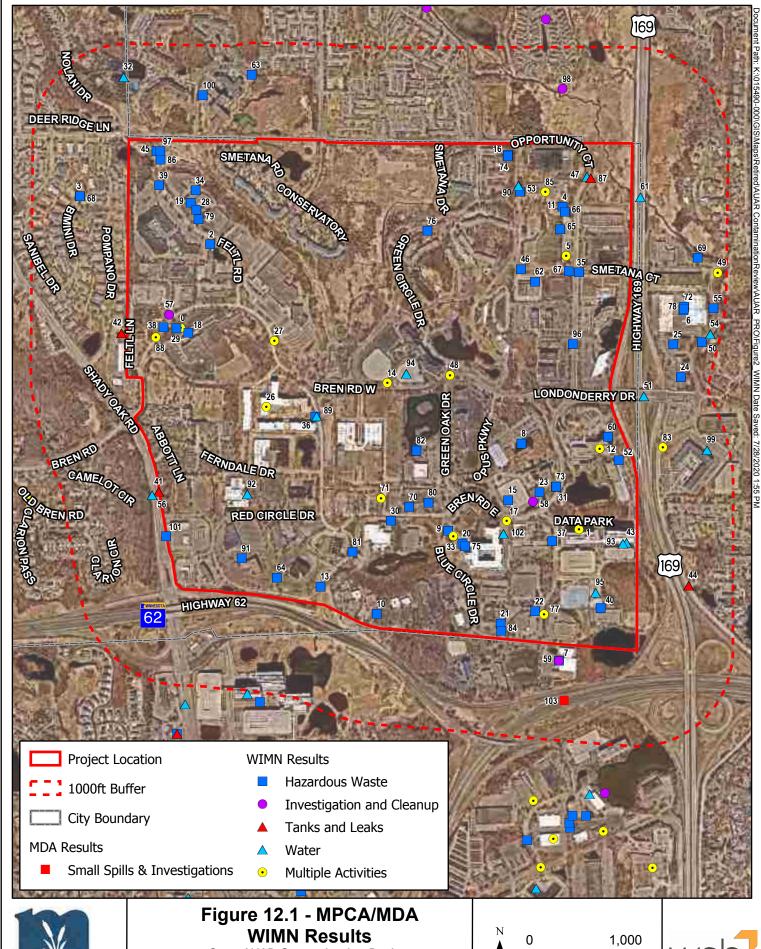






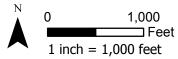




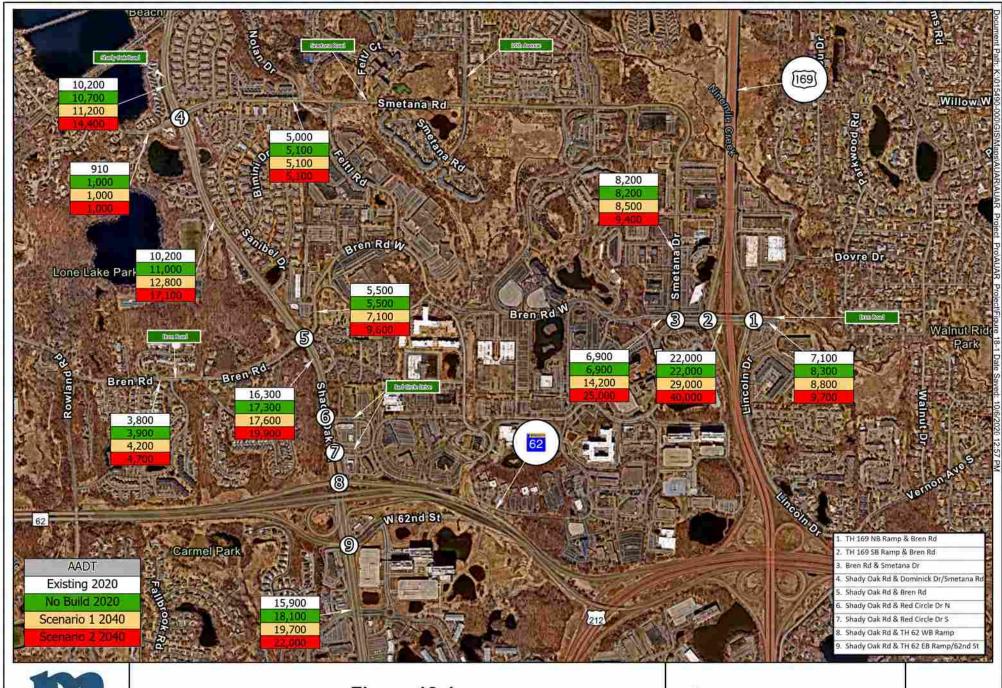




Opus AUAR Contamination Review Minnetonka, MN

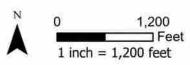




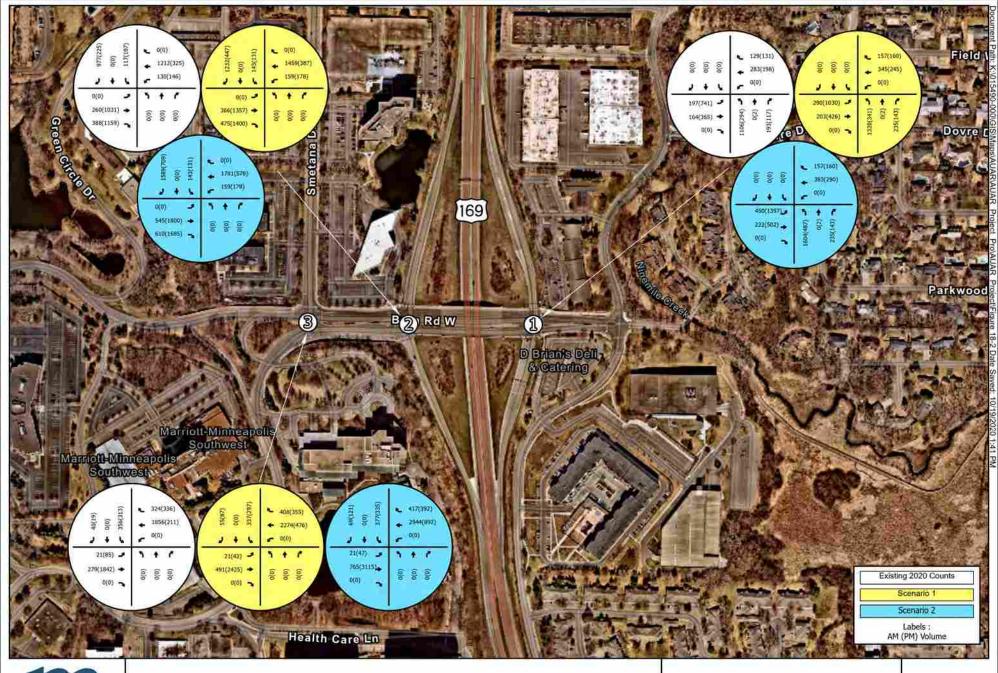




Study Area, Key Intersections and AADT

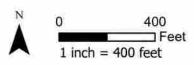




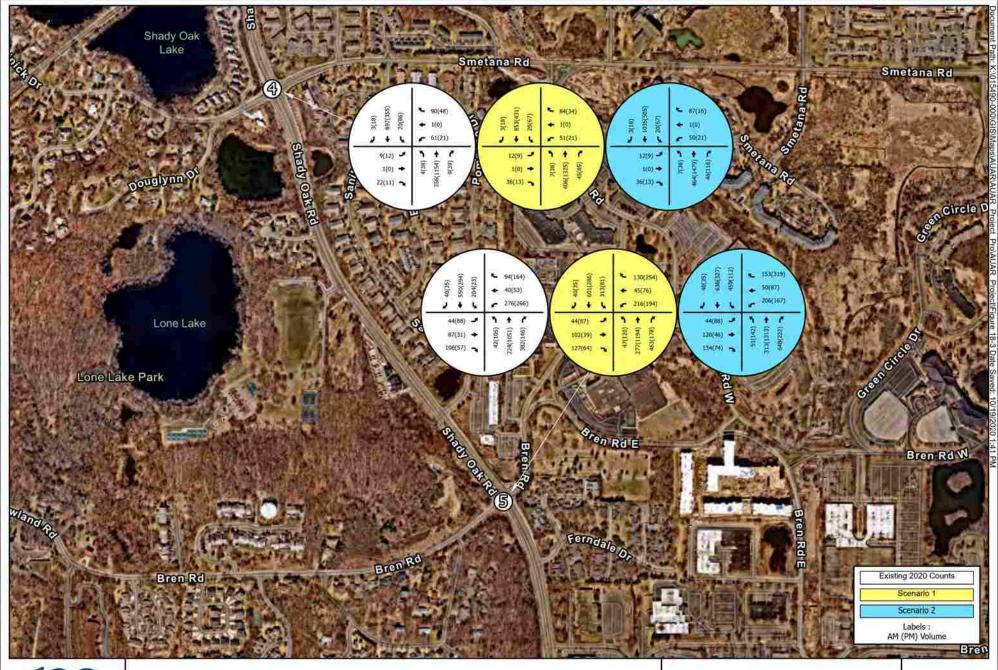




Existing and forecast peak hour turning movements at Bren Road intersections with Smetana Road and TH 169 Ramps

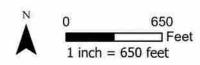




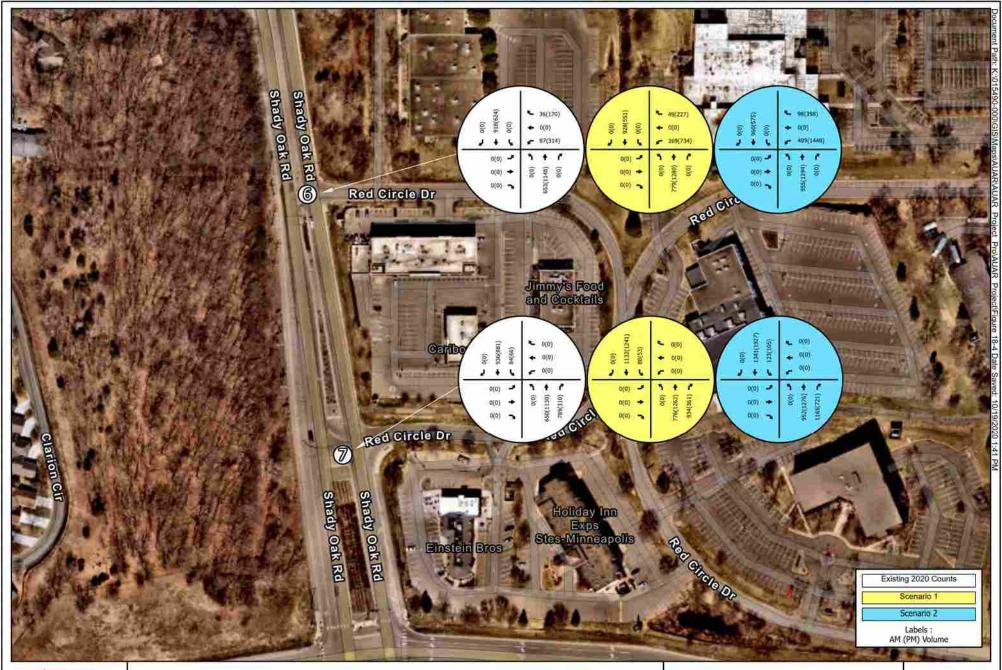




Existing and forecast peak hour turning movements at Shady Oak Road Intersections with Smetana Road and Bren Road

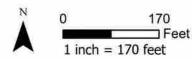




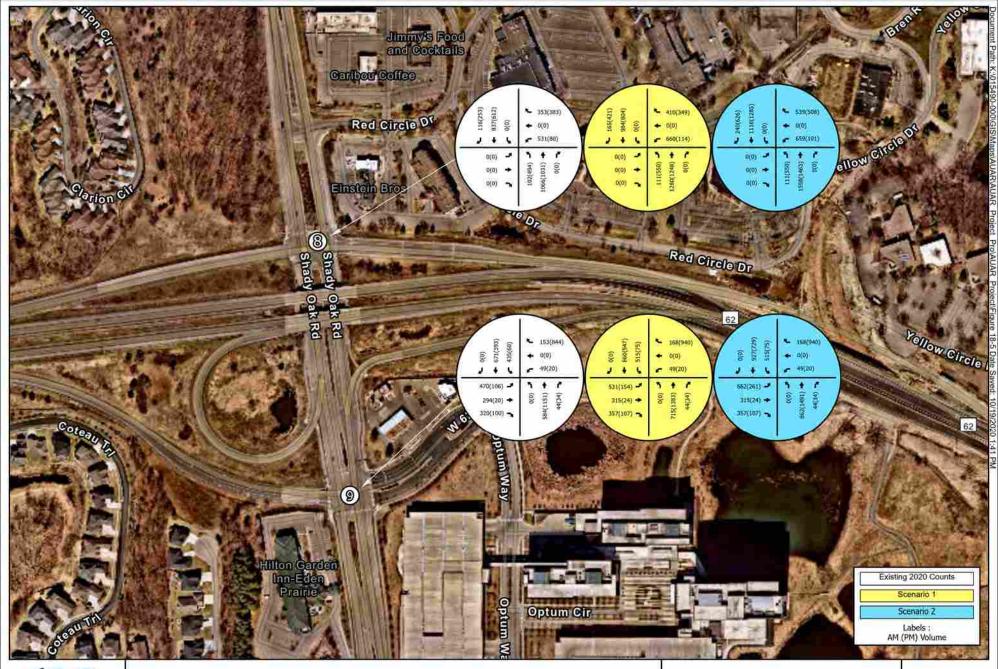




Existing and forecast peak hour turning movements at Shady Oak Road intersections with Red Circle Drive North and South

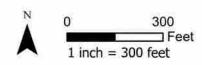








Existing and forecast peak hour turning movements at Shady Oak Road intersections with TH 62 ramps





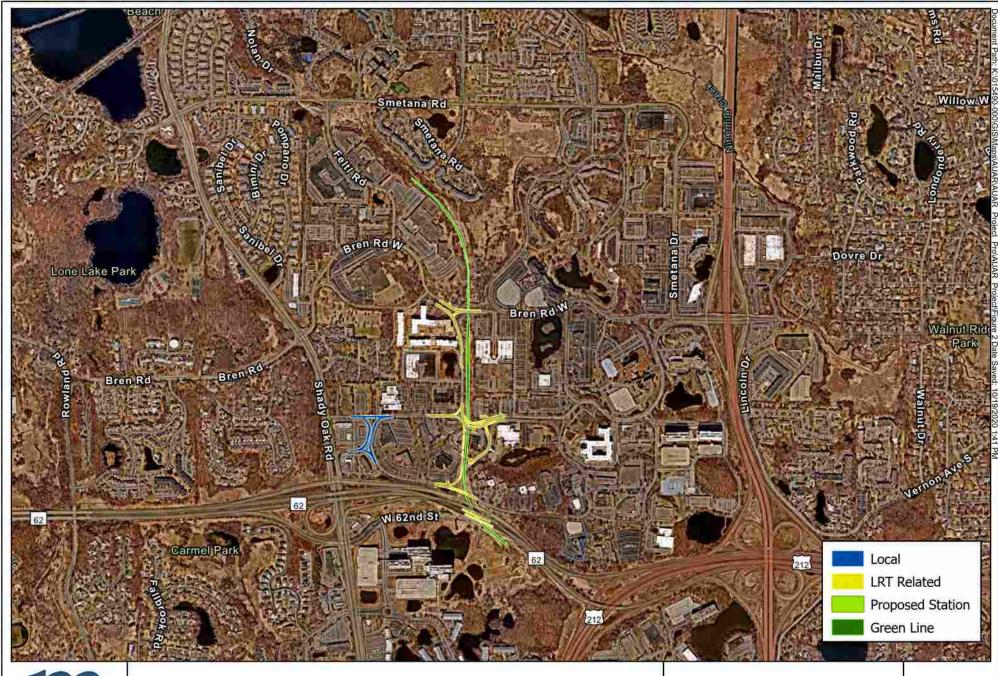
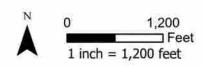




Figure 18-6

Planned Local & LRT Roadway Network Alignment

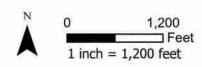








Approach Direction Trip Distribution





APPENDIX B Comments and Responses to Comments	

COUNTY Hennepin **CITYTWP** 

**PROPNAME** 

Minnetonka

Feltl Farmstead Bridge 27545 Bridge 27546

St. Margarets Cemetery

ADDRESS	TOW! RANG   SECQUARTER: USGS			USGS	REPORTNUMNRHCE
5435 Feltl Rd.	117	22	36 NW-NW-NW	Hopkins	
Shady Oak Road over TH 62 WB	117	22	36 SW-SW	Hokpins	
Shady Oak Road over TH 62 EB	117	22	36 SW-SW	Hokpins	
Bren Rd E, east of Shady Oak Rd	117	22	36 NW-SW	Hopkins	HE-2010-20H

#### **DOI INVENTNUM**

HE-MKC-014

HE-MKC-081

HE-MKC-082

HE-MKC-189



Minnesota Department of Natural Resources Division of Ecological & Water Resources 500 Lafayette Road, Box 25 St. Paul, MN 55155-4025

May 12, 2020 Correspondence # ERDB 20200274

> Ms. Aleesha Penn WSB & Associates, Inc. 701 Xenia Avenue South, Suite 300 Minneapolis, MN 55416

RE: Natural Heritage Review of the proposed Minnetonka Opus AUAR, T117N R22W Section 36; Hennepin County

Dear Ms. Penn,

As requested, the Minnesota Natural Heritage Information System has been queried to determine if any rare species or other significant natural features are known to occur within an approximate one-mile radius of the proposed project. Based on this query, rare features have been documented within the search area (for details, please visit the <u>Rare Species Guide Website</u> for more information on the biology, habitat use, and conservation measures of these rare species). Please note that the following rare features may be adversely affected by the proposed project:

- The rusty patched bumble bee (Bombus affinis), a federally-listed endangered species, was documented in the vicinity of the proposed project. The rusty patched bumble bee typically occurs in grasslands and urban gardens with flowering plants from April through October. This species nests underground in abandoned rodent cavities or in clumps of grasses. Please reference the guidance at the <u>USFWS rusty patched bumble bee website</u> to determine if the project has the potential to impact this protected species.
- Please include a copy of this letter in any state or local license or permit application. Please note
  that measures to avoid or minimize disturbance to the above rare features may be included as
  restrictions or conditions in any required permits or licenses.

The Natural Heritage Information System (NHIS), a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Division of Ecological and Water Resources, Department of Natural Resources. The NHIS is continually updated as new information

becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, native plant communities, and other natural features. However, the NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. Therefore, ecologically significant features for which we have no records may exist within the project area. If additional information becomes available regarding rare features in the vicinity of the project, further review may be necessary.

For environmental review purposes, the results of this Natural Heritage Review are valid for one year; the results are only valid for the project location (noted above) and the project description provided on the NHIS Data Request Form. Please contact me if project details change or for an updated review if construction has not occurred within one year.

The Natural Heritage Review does not constitute review or approval by the Department of Natural Resources as a whole. Instead, it identifies issues regarding known occurrences of rare features and potential effects to these rare features. If needed, please contact your <a href="DNR Regional Environmental Assessment Ecologist">DNR Regional Environmental Assessment Ecologist</a> to determine whether there are other natural resource concerns associated with the proposed project. Please be aware that additional site assessments or review may be required.

Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources. An invoice will be mailed to you under separate cover.

Sincerely,

Samantha Bump

Natural Heritage Review Specialist

Samantha Bump

Samantha.Bump@state.mn.us

Links: Rare Species Guide

http://www.dnr.state.mn.us/rsg/index.html

DNR Regional Environmental Assessment Ecologist Contact Info http://www.dnr.state.mn.us/eco/ereview/erp\_regioncontacts.html

USFWS Rusty Patched Bumble Bee

https://www.fws.gov/midwest/endangered/insects/rpbb/guidance.html

Cc: Melissa Collins

Leslie Parris

# Comment

#### Response

1) Thank you for your acknowledgement of the receipt of the ALIAR

## DEPARTMENT OF THE ARMY U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT

180 FIFTH STREET EAST, SUITE 700 ST. PAUL, MN 55101-1678

10/28/2020

Regulatory File No. MVP-2020-02147-MVM

THIS IS NOT A PERMIT

Rob Hanson 14600 Minnetonka Boulevard Minnetonka, MN 55345

Dear Mr. Hanson:

We have received your submittal described below. You may contact the Project Manager with questions regarding the evaluation process. The Project Manager may request additional information necessary to evaluate your submittal.

File Number: MVP-2020-02147-MVM

Applicant: Rob Hanson

Project Name: Opus Study Area

Project Location: Section 25 of Township 117 North, Range 22, Hennepin County, Minnesota (Latitude: 44.8994646467725; Longitude: -93.4114400687598)

Received Date: 10/27/2020

Project Manager: Marissa Merriman

(651) 290-5362

Marissa.V.Merriman@usace.army.mil

Additional information about the St. Paul District Regulatory Program can be found on our web site at http://www.mvp.usace.army.mil/missions/regulatory.

Please note that initiating work in waters of the United States prior to receiving Department of the Army authorization could constitute a violation of Federal law. If you have any questions, please contact the Project Manager.

Thank you.

U.S. Army Corps of Engineers St. Paul District Regulatory Branch

omment	Response
MINNESOTA POLLUTION CONTROL AGENCY  320 Lalayotta Mond North   151 Paul, Minnesota 35155-4194   651-296-6500	1) Table 7-1 is the existing land cover. The table says that there are 63.3 acres of existing wetlands. The paragraph under Table 7-1 states that the majority of the wetlands are and will be preserved within open space corridors.
800-657-3866   Live your preferred nitay service   inforjects intationalus   Equal Opportunity Employer November 23, 2020	2) All wetland impacts will be address through the
Robert Hanson Economic Development Coordinator City of Minnetonka 14600 Minnetonka Boulevard	appropriate permitting process.  3) Comment noted. Redevelopment projects will be required to meet local, state, and federal
Minnetonka, MN 55345  Re: Opus Study Area Alternative Urban Areawide Review Update  Dear Robert Hanson:	permit requirements.  4) Comment noted. Reuse is one of the options for volume reduction, as stated in the updated
Thank you for the opportunity to review and comment on the Alternative Urban Areawide Review (AUAR) Update for the Opus Study Area project (Project) in the city of Minnetonka, Hennepin County, Minnesota. The Project consists of a 580-acre mixed-use development area. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility or other interests, the MPCA staff has the following comments for your consideration.	sequencing description (see Section 11.b.ii.).  However, please note that the City has looked into this in the past, and at Ridgedale specifically the salinity of the stormwater was too high to be used for irrigation. It is anticipated that this could
Water Resources (Item 11) Surface Water  Table 7-1 indicates there are 52,3 acres of wetland impacts, Given that the AUAR Update covers 580 acres and a good portion of this is already developed, it not clear how many acres have already been physically altered by development and how many remain unaltered. A table having this broken down would be helpful.	be the case throughout the study area. Additionally, in Scenario 2 there is a proposed reduction of impervious area from existing conditions.
Stormwater  There are many wetlands located within the AUAR area. Please note that wetlands may not be	5) Figure 11-8 has been added to illustrate sanitary sewer infrastructure.
utilized for stormwater treatment unless they have gone through the wetland mitigation process.  All wetlands and any other surface waters on the site require protection during construction activities, including installation of redundant (double) downgradient sediment controls if the existing 50 feet of buffer must be disturbed to complete the construction.  The AUAR discusses use of volume control methods for stormwater runoff, but does not discuss	3
volume reduction methods to retain stormwater onsite, that is not discharged, as required by the MPCA-Construction Stormwater (CSW) Permit. If infiltration is prohibited as described in the CSW Permit, then other methods of achieving volume reduction should be considered. Methods include collection and reuse of stormwater, or creation of bioinfiltration areas. Consider also replacing impervious surfaces with pervious surfaces or reducing the amount of impervious surfaces, installing green roofs, maximizing green space and tree planting; or other Green Infrastructure methods described in the MN Stormwater Manual that also provide multiple environmental benefits at the site. Please direct questions regarding CSW Permit requirements to Roberta Getman at 507-206-2629 or Roberta Getman@state.m.n.us.	4
Wastewater  • A map indicating the route of the secondary forcemain, the Opus lift station, and Met Council Blue Lake WWTP should be included.	5

Comment	Response
Robert Hanson	
Page 2	
November 23, 2020	
WILLIAM NO. WILLIAM STREET, NO. 1 WHILLIAM STREET, NO. 1 WHICH STREET, NO. 2 WHICH STR	
We appreciate the opportunity to review this Project. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or	
future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure	
any required permits and to comply with any requisite permit conditions. If you have any questions	
concerning our review of this AUAR update, please contact me by email at Karen, kromar@state.mri.us	
or by telephone at 651-757-2508.	
Sincerely,	
Karen Kromar	
Karen Kromar	
Karen Kromar	
Project Manager	
Environmental Review Unit Resource Management and Assistance Division	
KK:bt	
cc: Dan Card, MPCA, St. Paul	
Roberta Getman, MPCA, Rochester	
Dave Sahli, MPCA, St. Paul	
Ilm Brist, MPCA, St. Paul	
<b>L</b>	

Minnesota STATE HISTORIC PRESERVATION OFFICE
50 Sharrouge Avenue & Administration Bulluley 201 & Saint Eaul, Minnesota
55159 \* SE1-201-3287 mn.gov/admin/snpc \* mnshpoRstate.mn.us
An econ. opportunity Asi SERVICE PROVIDER



Metropolitan District Waters Edge Building 1500 County Road B2 West Roseville, MN 55113

November 23, 2020

Robert Hanson Economic Development Coordinator City of Minnetonka 14600 Minnetonka Blvd. Minnetonka, MN 55345

SUBJECT: MnDOT Review #AUAR20-006

City of Minnetonka Opus Study Area AUAR

NW Quad US 169 & MN62 Minnetonka, Hennepin County

Dear Mr. Hanson,

Thank you for the opportunity to review the City of Minnetonka Opus Study Area AUAR. MnDOT staff has reviewed the documents and has the following comments:

#### Noise:

MnDOT's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities having the authority to regulate land use shall take all reasonable measures to prevent the establishment of land use activities, listed in the MPCA's Noise Area Classification (NAC), anywhere that the establishment of the land use would result in immediate violations of established State noise standards.

MnDOT policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such developed areas. The project proposer is required to assess the existing noise situation and take the action deemed necessary to minimize the impact to the proposed development from any highway noise.

If you have any questions regarding MnDOT's noise policy please contact Natalic Ries in Metro District's Noise and Air Quality Unit at Natalic Ries@state.mn.us or 651-234-7681.

An equal opportunity employer

MnDOT Metropolitan District, Waters Edge Building, 1500 County Road B2 West, Roseville, MN 55113

### Response

1) Thank you for your comment. The City is aware of their responsibility in regulating State and Federal noise requirements. The text in the AUAR provides the following reference; "The developments within the Opus Study Area will be constructed in accordance with the City's established noise ordinance as outlined in the City Code" and, noise mitigation plan; "Development adjacent to land uses that are sensitive (i.e., residential units or parks) to noise will have sufficient setbacks and landscaping within and adjacent to each specific project boundary to help minimize and mitigate the effects of the anticipated noise generated from the project"

### Comment Response 2) Thank you for the positive comment on the non-motorized network plans. 3) Thank you for your comments pertaining to the signal design and signal operations for Scenario Bicycle/Pedestrian: 2 MnDOT commends the effort taken to plan for a complete non-motorized network with 2. We recognize that more discussions will be connections to the regional transit and non-motorized systems. needed regarding the proposed mitigations proposed with this scenario. The City of For questions regarding this comment, contact Jesse Thornsen, Metro Multimodal, at Minnetonka will monitor development as it occurs Jesse Thomsen@state.mn.us or 651-234-7788. and determine when mitigation will be needed. If Traffic: enough development is proposed to trigger MnDOT has the following comments pertaining to the signal design and signal operations for 3 mitigation, the City will work with the appropriate Scenario 2 of the Transportation Mitigation Plan: agencies to develop a designed that is Signal Design appropriate for the location and traffic levels At southbound US 169 & Bren, the current layout already has a dedicated right turn, a expected. shared through/right turn, and a single left turn lane. MnDOT would like to see the background calculations for tables 18-8 and 18-9 to ensure 4) Comment noted. calculations didn't assume two left turn lanes and a single right turn. Signal Operations- MnDOT is not sure that in trying to shorten the inside left turn lane under the MN 62 bridge (so as to keep it to only four lanes under the bridge) that the lane would become so short that it would be necessary to remove it entirely. The intersection at MN 62 & Shady Oak is run by the county. It is currently a blind spot for the Regional Transportation Management Center (RMTC) and needs to have traffic cameras with fiber optics and Pan-Tilt-Zoom (PTZ) technology. MnDOT is working towards accommodating Connected and Automated Vehicles (CAV) in the future and these are standards that are being required for any revision to MnDOT's signal systems. Bren already has a shared through right. The reason for a dedicated right turn lane is unclear since there is minimal through traffic at this location. MnDOT will also need to see the modeling. Please provide the requested information to Mathias Dall, Metro Traffic Engineering, at mathias dall a state mn us or 651-234-7841. Review Submittal Options MnDOT's goal is to complete reviews within 30 calendar days. Review materials received electronically can be processed more rapidly. Do not submit files via a cloud service or SharePoint link. In order of preference, review materials may be submitted as: 1. Email documents and plans in PDF format to metrodevreviews.dot/a state.mn.us. Attachments may not exceed 20 megabytes per email. Documents can be zipped as well. If multiple emails are necessary, number each message. 2. PDF file(s) uploaded to MnDOT's external shared internet workspace site at: https://mfl.dot.state.rm.us. Contact MnDOT Planning development review staff at metrodevreviews dollastate mit us for uploading instructions, and send an email listing the file name(s) after the document(s) has/have been uploaded. Mailed or hand delivered documents in PDF format on a flash drive or CD-ROM to: MnDOT Metropolitan District, Waters Edge Building, 1500 County Road B2 West, Roseville, MN 55113

Comment	Response
MnDOT - Metro District Planning Section Development Reviews Coordinator 1500 West County Road B-2 Roseville, MN 55113  4. Printed documents via mail or hand delivery to the address above. Include one set of full-size plans.  If you have any questions concerning this review, please contact me at (651) 234-7797.  Sincerely.  Cameron Muhic Senior Planner  Copy sent via E-Mull: Buck Craig, Permits Mark Fairbrother, Water Resources Mathias Dall, Traffic Douglas Nelson, Right-of-Way Mackenzic Turner Bargen, Multimodal Jason Junge, Transit Russell Owen, Metropolitan Council	Response
MnDOT Metropolitan District, Waters Edge Building, 1500 County Road B2 West, Roseville, MN 55113	

### Comment Response



Nine Mile Creek Discovery Point 12800 Gerard Drive Eden Prairie, MN 55346 (952) 835-2078

MEMO

www.ninemilecreek.org

TO: Robert Hanson, Economic Development Coordinator,

City of Minnetonka

FROM: Randy Anhorn, Administrator

DATE: November 24, 2020

RE: Comments on Opus Study Area AUAR Update

Having reviewed the draft study update cited in the caption above, Nine Mile Creek Watershed District has the following comments:

### General

Planning for stormwater management and climate resilience. NMCWD stands ready to work in partnership with Minnetonka to explore opportunities to plan for and implement efficient, effective stormwater management and flood control in the Opus study area (and elsewhere in the city, for that matter). As a baseline matter, NMCWD's rules provide an avenue for compliance with stormwater-management requirements on a regional – rather than site-by-site – basis! Such an approach allows planned redevelopment to proceed under a substantially streamlined NMCWD regulatory review, and likely would be more cost-effective than permitting individual site-redevelopment projects. City of Minnetonka and NMCWD staff have experience successfully utilizing this framework for regulatory approval for redevelopment of the n-acre Shady Oak Road South area adjacent to the Southwest Light Rail Transit line in Minnetonka and Hopkins.

A regional approach also provides better protection against flooding and related high-water risks, which will be increasingly challenging for landscapes like the Opus study area that were principally developed in the 1960s and '70s, and for low-lying properties such as are found in the northeast corner of the study area. The draft Opus AUAR update does not explicitly address the reality of rainfall amounts that have increased from the time the Opus area was first developed (as shown by the 2013 National Oceanic and Atmospheric Administration Precipitation-Frequency Atlas for the Midwestern States (Atlas 14, Volume 8)) and – more important for the purpose – a predicted increase in the amount of rain and intensity of extreme events in coming years. Coordination of the city's exercise of its land-use planning authority with NMCWD's expertise and regulatory authority for management of stormwater and flood-storage will be critical to the successful implementation of either Scenario 1 or Scenario 2 of the Opus AUAR update. Such efforts are necessary to incorporate climatic change resiliency into the Opus area plan as it relates to flooding and stormwater management and will be particularly useful and

See subsection 4.3.6 at <a href="http://www.ninennilecreek.org/wp-content/uploads/NMCWD-Rules-FINAL-April-18-2018-1.pdf">http://www.ninennilecreek.org/wp-content/uploads/NMCWD-Rules-FINAL-April-18-2018-1.pdf</a>

1) The City and NMCWD have a strong relationship and the City will continue to look for opportunities to provide regional treatment as developments are proposed and were it is possible. As mentioned, the City and NMCWD have experience with successfully implementing a regional stormwater basin as part of the Shady Oak Road South area as part of the SWLRT project.

### Comment

important if Scenario 2, with its more intensive land uses and apparent increase in impervious surface (and resulting runoff), is implemented.

Finally with regard to regional runoff-management planning: The Opus AUAR update provides useful data and narrative text regarding the variety of wetlands in the area. Advance regional planning for stormwater and flood management will be essential to protecting and improving these wetland resources as well.

- Imperviousness projections. As noted, it appears that Scenario 2 presents a slight increase in the overall imperviousness of the Opus study area. But in reviewing tables 6-1, 6-2, 9-2, 9-3 and u-6 and accompanying text, it is difficult to be sure. NMCWD recommends expansion of the tables to show overall impervious increase from existing for each scenario, and an expansion of the explanation of how the pollutant-loading analysis summarized in Table u-7 was completed. In addition, NMCWD recommends a re-review of the various tables and text showing quantities of open water and wetlands under existing and proposed conditions; it appears that quantity (in acres) of open water and wetlands are conflated in some places.
- Clarity as between scenarios. NMCWD understands that the update added Scenario 2 to the Opus AUAR. We encourage a fresh review to ensure that the AUAR update is clear as to whether mitigation measure statements apply to one scenario or the other or both; sometimes this is not clear.
- Compliance with state law. NMCWD did not review the AUAR update for compliance with applicable environmental-review requirements, leaving such specifics to the city.
- Regulatory Authority. NMCWD's regulatory authority and its rules are under- and
  misrepresented in a couple of places in the AUAR update. Specific notes are tied to specific
  AUAR update text below, but generally please note the relevant provisions for erosion and
  sediment control, wetland buffers and stormwater management in the rules, available at
  http://www.ninemilecreek.org/wp-content/uploads/NMCWD-Rules-FINAL-April-18-2018t.pdf.
- Typos and grammatical snafus hamper ready understanding in some places. NMCWD has
  offered notes on specific text in markup format in a copy of the Opus area study update that
  has been uploaded to a Dropbox folder at:

https://www.dropbox.com/sh/dnmliyd2f54izxd/AABETInoaToyBzaVROIWB aia?dl=o. (Please contact me if you have any difficulty accessing the file.)

### Text-specific notes

• The AUAR update includes references in several places to stormwater runoff volume-control sequencing: subsection II. 4) i (p. 7) and two places in subsection III. ii) b. ii – one in the text captioned Stormwater Best Management Practices and the other Stormwater Mitigation Plan subsections (p. 27). In each case, the sequence should be revised to reflect the sequencing requirements in NMCWD rule section 4.3, available at: <a href="http://www.ninemilecreek.org/wp-content/uploads/NMCWD-Rules-FINAL-April-18-2018-tpdf">http://www.ninemilecreek.org/wp-content/uploads/NMCWD-Rules-FINAL-April-18-2018-tpdf</a> Under these provisions, NMCWD would apply reduced volume-control requirements only after a property has been determined to be 'restricted' in accordance with 4.3.2.

### Response

2) Updates have been made to Table 11-6 to include existing impervious area. Rather than including the equations behind the pollutant loading calculations in the AUAR, we've included them here for your reference.

### To calculate runoff:

$$Q = \frac{(P-I_a)^2}{(P-I_a)+S}$$
  $S = \frac{1000}{CN} - 10$   $I_a = 0.2S$ 

where  $Q = annual \, runoff \, (in)$   $P = average \, annual \, rainfall \, (in)$   $S = potential \, maximum \, retention$   $I_a = initial \, abstraction$   $CN = curve \, number$ 

### To calculate pollutant load:

$$C_{TP} = Q * EMC_{TP} * 2.72$$
  
 $C_{TSS} = Q * EMC_{TSS} * 2.72 * 2000$   
 $CI_{TP} = C_{TP} * (1 - 0.6)$   
 $CI_{TSS} = C_{TSS} * (1 - 0.9)$ 

where C =

3

existing annual  $\frac{TP}{TSS}$  load (lb/ton respectively) Q = annual runoff (ac-ft) EMC = event mean concentration (mg/L) CI = proposed annual TP/TSS load with water quality improvements (lb/ton respectively)

Comment noted regarding the open water and wetlands being combined in some tables.

- 3) Comment noted.
- 4) Comment noted.
- 5) Comment noted. Updates have been made to section 11.b.ii to clarify.
- 6) The document has been corrected.
- 7) Updates have been made to section 11.b.ii. to provide additional information and clarifications.

Comment Response 8) Updates have been made to Table 8-1. 9) Updates have been made to section 11.b.ii. to provide additional information and clarifications. Table 8-1 (p. 15) lists permits and approvals that will be needed for land-disturbing 8 projects in the area. Applicable and potentially applicable requirements in the NMCWD 10) Updates have been made to section 11.b.ii. to floodplain-alteration, erosion-and-sediment-control, stormwater-management and wetlands rules should be referenced in the list of permits and approvals under the provide additional information and clarifications. Regional/County/Local Regulatory Agencies heading here. In the first bullet in the Stormwater Regulations section on page 26, the statement of the 9 threshold for all imperviousness on a property to be subject to NMCWD stormwater management requirements needs to be expanded to state: If 50 percent or more of the impervious surface of the site is disturbed or the impervious surface is increased by more than 50 percent. (See also footnote 1 on Table 11-8.) The subsequent paragraph asserts that because soils in the study area are characterized as Hydrologic Soil Group C and C/D, infiltration would not be feasible. This is useful information and soil conditions may be the basis for a 'restricted-site' determination, but under the NMCWD Rule 4.0 - Stormwater Management, volume-retention analyses must be completed on a site-by-site basis. In the second paragraph under that bullet, the discussion should reference NMCWD's restricted-site framework for existing site constraints that limit the capacity of a project on such a property to provide volume retention. Under the Water Quality heading in the same section, the first bullet states, "This analysis assumes that if volume control via infiltration is met for the site, the water quality requirements are also satisfied." This is generally true but the water-quality requirements are based on an annual removal efficiency rather than 1.1 inches of retention. The necessary modelling needs to be completed and provided to show that the required annual removal efficiencies for total suspended solids and total phosphorus are met. The discussion above of NMCWD regional stormwater-management plan option (subsection 4.3.6 of the NMCWD rules) is particularly relevant to the Redevelopment Scenarios section here. Page 28: Table 11-8; the current stormwater requirements discussion needs to be expanded to include water quality management based on an annual removal efficiency of 60 percent for total phosphorous and 90 percent for total suspended solids. In addition, the table states that rate control must be analyzed (only) if drainage patterns change. But ratecontrol analysis is required under the NMCWD rules whether the drainage patterns change or not. The first paragraph in the Stormwater Best Management Practices section on page 20 10 should state that NMCWD's wetland classifications are based on accepted Minnesota Routine Assessment Method results. The last sentence of this paragraph should be modified to note that volume retention and water quality treatment would still be required. The volume-retention sequencing summary here should be revised to reflect NMCWD's unrestricted/restricted site stormwater-management analytical framework. Specifically, under subsection 4.3.2 of the NMCWD rules, the reduced volume retention requirements of 0.55 inches or maximum extent practicable are only available if a site is demonstrated to be a 'restricted' in accordance with the NMCWD rule. (The sequencing framework in the

Comment	Response
subsequent Stormwater Mitigation Plan section and in the Summary of Mitigation Measures – item II.4 – should be revised accordingly as well.)  The Water Appropriation section on page 29 should cite NMCWD Rule 9.0 as potentially applicable.  In subsection iv. a on page 33, NMCWD wetland-buffer requirements should be noted as applicable.  NMCWD's 'restricted-site' volume-retention framework could be included as potentially applicable to the properties identified in section 123 on page 34. That is, actual or potential subsurface contamination is a factor in determining whether a property is 'restricted' under the NMCWD rule.  Appendix A: Figures  Figures 7-3- and 7-4 are referenced in section III. 7 in the update, but are not included in the appendix. NMCWD would appreciate having a chance to review these figures.	11) Appropriations of Public Surface Waters permitting has been added to Table 8-1 and Rule 9.0 was added to Section 11.b.i.d)ii.  12) Comment noted and AUAR text revised accordingly.  13) Comment noted and text revised in section 12.a. accordingly.  14) The reference to Figures 7-3 and 7-4 have been removed. Scenario 1 is illustrated on Figure 6-1 and Scenario 2 is illustrated on Figure 6-2.
<b>→</b>	

ent		Response
DEPARTMENT OF NATURAL RESOURCES  Division of Ecological and Water Resources  Region 3 Headquarters  1200 Warner Road  Saint Paul, MN 55106	Transmitted by Email	1) Stormwater reuse (most commonly used for irrigation), is included as one of the options for volume control BMPs in Section 11.b.i.d)ii. Pleas note that the city has looked into this in the past, but at Ridgedale specifically, the salinity of the stormwater was too high to be used for irrigation It is anticipated that this could be the case throughout the study area.  2) Comment noted.
November 24, 2020		3) Comment noted and AUAR has been revised to include this permit.
Rob Hanson Economic Development Coordinator City of Minnetonka 14600 Minnetonka Blvd. Minnetonka, MN 55345		<ul><li>4) Information is added to Section 11.a.ii. that shallow groundwater exists but is not used for a source of drinking water.</li><li>5) Comment noted.</li></ul>
Dear Mr. Hanson,		5) Comment noted.
Thank you for the opportunity to review the Opus Study Area Di submits the following comments for your consideration:		<ul><li>6) Comment noted and Table 8-1 includes this permit.</li><li>7) Information regarding the city's stormwater</li></ul>
<ol> <li>Page 7, Stormwater Mitigation Plan. Please consider reu landscaping in the AUAR area. This will reduce the runo from the site, and reduce the use of groundwater from t</li> </ol>	off from the site, reduce the pollution	reuse strategies has been added to Section 11.b.i.d)ii.
<ol><li>Page 14, Cover Types. DNR is pleased that all wetlands, a preserved.</li></ol>	and other open spaces will be	2
<ol> <li>Page 15, Permits and Approvals. Any impact to public w Public Waters Permit.</li> </ol>	aters/wetlands would require a DNR	3
<ol> <li>Page 21, Groundwater. We appreciate the inclusion of t domestic water use (drinking water). It should also be n significant portion of the site, there will be more shallow drinking water source located near to the surface of port</li> </ol>	noted that with wetlands on a groundwater that is not used as a	4
<ol><li>Page 21, Groundwater. The DNR would like to remind O discovered on these parcels, that the wells will need to b regulations of the Minnesota Department of Health.</li></ol>	# 14 TO LONG TO SEE TO SEE TO SEE THE SECOND	5
<ol> <li>Page 22, Wastewater. Please note that any construction wastewater interceptors, that will pump more than 10,0 million gallons per year, will need approval under a DNR</li> </ol>	00 gallons of water per day, or one	6
7. Page 24, Stormwater. The large amount of impervious s	urfaces within the project area, ad salt for winter maintenance.	7

Chloride released into local lakes and streams does not break down, and instead accumulates in Communities, and Sensitive Ecological	ent	Response
Chloride released into local lakes and streams does not break down, and instead accumulates in the environment, potentially reaching levels that are took to aquative willidife and plants. Consider promoting local business and city applicator participation in the Smart Salting Training offered through the Minnesota Pollution Control Agency. More information and resources can be found at this weaking. Many writer maintenance staff who have attended the Smart Salting training — both from cities and counties and from private companies — have used their knowledge to reduce satt use and save money for their organizations.  8. Page 29, Water Appropriation. Without details on the actual buildings that will be constructed on this site, the DNR would like to remind Opus that should underground parking be constructed that needs to be dewatered on a continuous basis using surings. a DNR Water Appropriation Permit will be needed if the volume that is pumped exceeds 10,000 gallons per day, or one million gallons per year.  9. Page 37, Invasive Species. Multiple invasive species have been documented within the project area including; emeral ash bore, lestly spurge, and purple loosestrife.  10. Page 38, Protecting Pollinators. The DNR is pleased to see the City of Minnetonka promoting the establishment of pollinator habitat as well as practices to support local pollinators.  Thank you again for the opportunity to comment. Please let me know if you have any questions.  Sincerely,  Melissa Collins  Regional Environmental Assessment Ecologist   Ecological and Water Resources Minnesota Department of Natural Resources  1200 Warner Road  St. Paul, MM 55105  Final: melissa.collins@state.mn.us		8) Comment noted.
8. Page 29, Water Appropriation. Without details on the actual buildings that will be constructed on this site, the DNR would like to remind Opus that should underground parking be constructed that needs to be dewatered on a continuous basis using sumps, a DNR Water Appropriation Permit will be needed if the volume that is pumped exceeds 10,000 gallons per day, or one million gallons per year.  9. Page 37, Invasive Species. Multiple invasive species have been documented within the project area including: emerald ash borer, leafy spurge, and purple loosestrife.  10. Page 38, Protecting Pollinators. The DNR is pleased to see the City of Minnetonka promoting the establishment of pollinator habitat as well as practices to support local pollinators.  10. Thank you again for the opportunity to comment. Please let me know if you have any questions.  Sincerely,  Melissa Collins  Regional Environmental Assessment Ecologist   Ecological and Water Resources Minnesota Department of Natural Resources  1200 Warner Road  St. Paul, MN 55106  Phone: 651-259-5755  Email: melissa.collins@state.mn.us	the environment, potentially reaching levels that are toxic to aquatic wildlife and plants, Consider promoting local business and city applicator participation in the Smart Salting Training offered through the Minnesota Pollution Control Agency. More information and resources can be found at this website. Many winter maintenance staff who have attended the Smart Salting training — both from cities and counties and from private companies — have used their	Resources Mitigation Plan will be implement during development.
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Thank you again for the opportunity to comment. Please let me know if you have any questions.  Sincerely,  Melissa Collins Regional Environmental Assessment Ecologist   Ecological and Water Resources Minnesota Department of Natural Resources 1200 Warner Road St. Paul, MN 55106 Phone: 651-259-5755 Email: melissa.collins@state.mn.us	day, or one million gallons per year.  9. Page 37, Invasive Species. Multiple invasive species have been documented within the project	9
Melissa Collins Regional Environmental Assessment Ecologist   Ecological and Water Resources Minnesota Department of Natural Resources 1200 Warner Road St. Paul, MN 55106 Phone: 651-259-5755 Email: melissa.collins@state.mn.us  CC:		10
Melissa Collins Regional Environmental Assessment Ecologist   Ecological and Water Resources Minnesota Department of Natural Resources 1200 Warner Road St. Paul, MN 55106 Phone: 651-259-5755 Email: melissa.collins@state.mn.us	Thank you again for the opportunity to comment. Please let me know if you have any questions.	
Regional Environmental Assessment Ecologist   Ecological and Water Resources Minnesota Department of Natural Resources 1200 Warner Road St. Paul, MN 55106 Phone: 651-259-5755 Email: melissa.collins@state.mn.us  CC:		
Regional Environmental Assessment Ecologist   Ecological and Water Resources Minnesota Department of Natural Resources 1200 Warner Road St. Paul, MN 55106 Phone: 651-259-5755 Email: melissa.collins@state.mn.us CC:	Malicen Collins	
	Regional Environmental Assessment Ecologist   Ecological and Water Resources Minnesota Department of Natural Resources 1200 Warner Road St. Paul, MN 55106 Phone: 651-259-5755	
Equal Opportunity Employer	CC:	
	Equal Opportunity Employer	

### Comment Response 1) Thank you for your comment. The AUAR acknowledges in Table 8-1 and Section 9.b. that a Comprehensive Plan amendment will be required for the development of Scenario 2. Any November 25, 2020 Comprehensive Plan amendment will be Rob Hanson, Economic Development Coordinator submitted to the Metropolitan Council and City of Minnetonka 14600 Minnetonka Boulevard discussion will occur then. Minnetonka, MN 55345 2) The City acknowledges the potential need for a City of Minnetonka - Opus Study Area Alternative Urban Areawide Review Metropolitan Council Review File No. 22503-1 future comprehensive plan amendment if Metropolitan Council District No. 5 development in this area becomes more intense than Scenario 1. The City will contact Council Dear Mr. Hanson: staff if a more intense Scenario is likely. Metropolitan Council staff completed its review of the Opus Study Area Alternative Urban Areawide Review (AUAR) to determine its accuracy and completeness in addressing regional concerns. Staff concludes that the AUAR is complete and accurate with respect to regional concerns and does not raise major issues of consistency with Council policies. 3) Minnetonka Resolution 2020-096 continues the City's participation in the Local Housing Account Please be advised that Minnesota Environmental Rules (Minn. Stat. § 4410.3610, subd. 3) require that Program under the Metropolitan Livable at least one scenario in an AUAR be consistent with a City's adopted comprehensive plan. Although the City's 2040 comprehensive plan is currently scheduled for Council action on December 23, 2020, the Communities Act calendar years 2021 through City's current adopted comprehensive plan is the 2030 comprehensive plan. Council staff find that 2030. Scenario 1 of the AUAR is consistent with both the 2030 comprehensive plan and the pending 2040 comprehensive plan. Council staff advise the City to delay the issuance of a final order and record of decision until after the City locally adopts the 2040 comprehensive plan. Alternatively, the AUAR can be modified to address consistency of Scenario 1 with either the 2030 Plan or the 2040 Plan. Staff offers the following comments for your consideration: Forecasts (Todd Graham, 651-602-1322) The City's pending 2040 comprehensive plan expects TAZ #1022 (the southern half of the study area) and TAZ #1023 (the northern half of the study area) to have a combined 2,652 2 households, 5,775 population, and 17,206 jobs by 2040. The development assumptions presented in Scenario 1 are closely aligned with these forecasts. Should the City pursue development in the subject area that is more intense than Scenario 1, Council staff advise the City to adjust forecasts both at the TAZ level and citywide. Forecast adjustments would depend on the eventual development details. The community forecast change can be pursued through a future comprehensive plan amendment, separate from this AUAR. Please contact Council forecast staff to discuss. Housing (Ashleigh Johnson, 651-602-1106) The City's pending 2040 comprehensive plan currently guides enough land to address its current affordable housing need allocation, which is 1,064 units. At guided densities that support 3 the development of affordable housing (8 units per acre or greater), the City's Plan identifies enough acreage to support 1,091 units. Please be advised that any future forecast increase during the 2021-2030 390 Robert Street North | Saint Paul, MN 55101-1805 P. 651.602.1000 | TTY. 651.291.0904 | metrocouncil.org

nment	Response
	4) Figure 5.2 has been updated.
decade will increase the City's affordable housing need allocation. Please contact Council Housing staff or your sector representative to discuss this possibility.	5) Additional information regarding Minnetonka's fleet operations, capital improvements program, and electronic charging stations have been added to Section 16)b.
Land Use (Michael Larson, 651-602-1407)  The Existing Land Use Map in the AUAR (Figure 5.2) appears to incorrectly identify Eagle Ridge Academy and West Education Center (in the Western portion of the study area) as Mixed Use Industrial. These uses would be more accurately identified as Institutional. These locations are identified as such on the Existing Land Use Map (Figure 3-1) in the City's pending 2040 comprehensive plan. This change would also be consistent with the uses identified in Scenario 1 (Figure 6.1) and Scenario 2 (Figure 6.2).	
Bren Road Station Senior Apartments, currently under construction, is incorrectly identified as an Office Use.	
Figures 6.1 and 6.2 do not identify a land use for the two existing hotels within the study area (Holiday Inn Express and Minneapolis Marriott Southwest).	
Item 15b. Vehicle Emissions (Cameran Bailey, 651-602-1212)  Council staff recommends the adoption and integration of electric vehicle charging infrastructure or infrastructure that supports the future implementation of electric vehicle charging. The City may also consider the integration of supporting infrastructure for shared mobility and non-single-occupancy-vehicle options. These infrastructure and alternative transportation options produce fewer harmful air pollutants and support more active living and mobility. Such actions would support the following Policy Action in the City's 2040 comprehensive plan: "Minimize the effect of air quality impacts on the natural environments with proposed transportation improvements (Policy 7.3)." Guidance can be found in the Great Plains Institute's "Becoming Electric Vehicle Ready" (https://www.betterenergy.org/blog/making-your-city-ev-ready/) guideline document.	
The Council will not take formal action on the AUAR. If you have any questions or need further information, please contact Michael Larson, Principal Reviewer, at 651-602-1407.	
Sincerely,	
angelak. Forres	
Angela R. Torres, AICP, Manager Local Planning Assistance	
CC: Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division Loren Gordon, City Planner, City of Minnetonka Molly Cummings, Metropolitan Council District No. 5 Judy Sventek, Water Resources Manager Michael Larson, AICP, Sector Representative/Principal Reviewer Reviews Coordinator	
N   Committee LFA   Communities Winner binko's etters Winner binka 2020 Cpus Study Area AUAIR 22503-1 don-	

### Comment Response 1) The City of Minnetonka acknowledges the need to consider all types of mitigation to HENNEPIN COUNTY maintain an acceptable level of service of D on MINNESOTA the County Road system. Mr. Rob Hanson November 25, 2020 2) The City of Minnetonka recognizes the need **Economic Development Coordinator** for planning to ensure funding is available if City of Minnetonka mitigation is needed as identified for Scenario 2 14600 Minnetonka Blvd and that Hennepin County approval of design is Minnetonka, MN 55345 needed before implementation. Hennepin County staff comments on the proposed Draft Alternative Urban Areawide Review (AUAR) of the Opus Study Area development in Minnetonka as advertised in the 3) Thank you for the acknowledgement that no EOB Monitor October 26, 2020 mitigation would be required for Scenario 1. Dear Mr. Hanson: 4) Thank you for your comments pertaining to the The project includes the continued development approximately 580 acre Opus Study Area mitigation necessary for Scenario 2. We located in the southeastern corner of the City of Minnetonka. The Opus draft AUAR includes the recognize that more discussions will be needed review of two development scenarios. Scenario 1 is generally consistent with the City's 2040 regarding the proposed mitigation during planning Comprehensive Plan and Scenario 2 reflects land use development that is more intense than and design of the mitigation measures if they are Scenario 1 and that would be supported by the construction of the Opus Station of the Green needed. The City of Minnetonka will monitor Line Light Rail Transit (LRT). development as it occurs and determine if and/or **GENERAL COMMENTS** when mitigation may be needed based on level of service "D". If mitigation is needed the City will 1 It is important to note that all types of mitigation should be evaluated at county work with the appropriate agencies to develop a intersections to ensure all movements that are currently operating at an acceptable level of design that is appropriate for the location and service continue do so after the improvements, and that the minimum acceptable level of traffic levels expected. service is D. A number of the mitigation efforts described may require additional ROW and design that 2 meets Hennepin County standards. It will be important to recognize that the developer and the city are expected to cover the cost of these improvements and secure Hennepin County approval of the design before implementation. 7) Transportation Mitigation Plan PAGE 8 AND 9 3 No mitigation is required for Scenario 1. For Scenario 2, the following mitigation is required: iii. Add second left turn lane on Southbound Shady Oak Road at Bren Road with a 4 minimum storage of 300 feet. Need protected left turn movements on east/west approaches to this intersection. (Intersection 6)

Hennepin County Transportation Project Delivery

hennepin.us

o This mitigation measure would require significant effort and possibly require additional ROW to make this happen. As before, this design would need to meet

Comment	Response
Hennepin County design standards and county approval. Also, to get protected left turn movements for the E/W approaches the design would require a new signal cabinet and cabling, and new heads for the left turn phases. All of these additional costs would need to be covered by agreement between the city and the developer, and possibly the county.  iv. Add an additional left turn lane with a minimum storage of 500 feet on westbound Red Circle Drive North at the approach to Shady Oak Road, thus providing this approach with dual lefts and a right turn lane. (Intersection 7)  Again, this mitigation measure may be problematic as there may not be enough space here. Also, would they build more pavement or just convert the right turn lane to a right/left lane as all WB traffic must turn at this intersection?  This mitigation measure would also likely result in signal system revisions and the need to move the mast arm pole out of the median.  This measure may also induce traffic to turn left at this Red Circle North intersection even though it is a one way out and the left turn may result in lefts turning in. To obviate this possibility, the design would need to include median improvements to prohibit lefts from turning into Red Circle North.  v. Signalize the south intersection of Shady Oak Road and Red Circle Drive South (Intersection 8)  Placing a signal here would create very tight signal spacing (less than 400 feet) which is not ideal for signal timing along this corridor. This would also require a SJR and the county would want to carefully review any plans for new signals early on in the process.  As before, this design would need to meet Hennepin County design standards and county approval. All of these additional costs would need to be covered by agreement between the city and the developer, and possibly the county.  However, at this time, it would seem highly unlikely that the County will be open to allowing a signal to be installed at Red Circle Dr South and Shady Oak, The suggestion here is to revise the site	5) Thank you for your comments pertaining to the mitigation necessary for Scenario 2. We recognize that more discussions will be needed regarding the proposed mitigation during planning and design of the mitigation measures if they are needed. The City of Minnetonka will monitor development as it occurs and determine if and/or when mitigation may be needed based on level of service "D". If mitigation is needed the City will work with the appropriate agencies to develop a design that is appropriate for the location and traffic levels expected.  6) Thank you for your comments pertaining to the mitigation necessary for Scenario 2. We recognize that more discussions will be needed regarding the proposed mitigation during planning and design of the mitigation measures if they are needed. The City of Minnetonka will monitor development as it occurs and determine if and/or when mitigation may be needed based on level of service "D". If mitigation is needed the City will work with the appropriate agencies to develop a design that is appropriate for the location and traffic levels expected.  7) Thank you for your comments pertaining to the mitigation necessary for Scenario 2. We recognize that more discussions will be needed regarding the proposed mitigation during planning and design of the mitigation measures if they are needed. The City of Minnetonka will monitor development as it occurs and determine if and/or when mitigation may be needed based on level of service "D". If mitigation is needed the City will work with the appropriate agencies to develop a design that is appropriate for the location and traffic levels expected.

nment	Response
vii. Reconfigure the Shady Oak Drive northbound approach at the TH 62 westbound ramps intersection to allow a third northbound through lane which drops into the right turn lane at Red Circle Drive. Shorten the inside left-turn lane so that only four lanes are needed under the TH 62 bridge. (Intersection 9)  • This mitigation design would create safety concerns at this interchange. Also, this signal is owned by MnDOT so they would have to be involved as well with any modifications here.  We appreciate your consideration of Hennepin County comments at this time and look forward to your response. If you have any questions, please contact me at 612 344.  57 14/david langer@hennepin.us or Jason Gottfried, at 412-596-0364/jason contract@hennepin.us.  Thank you for your consideration, David Jaeger David Jaeger Environmental Specialist Hennepin County	8) Thank you for your comments pertaining to the mitigation necessary for Scenario 2. We recognize that more discussions will be needed regarding the proposed mitigation during plannin and design of the mitigation measures if they are needed. The City of Minnetonka will monitor development as it occurs and determine if and/or when mitigation may be needed based on level of service "D". If mitigation is needed the City will work with the appropriate agencies to develop a design that is appropriate for the location and traffic levels expected.
Minnesota Statutes 505.03, 505.021, and 462:358, Plats and Surveys, allow up to 30 days for county review	

### **Quick Reference: Alternative Urban Areawide Review (AUAR)**

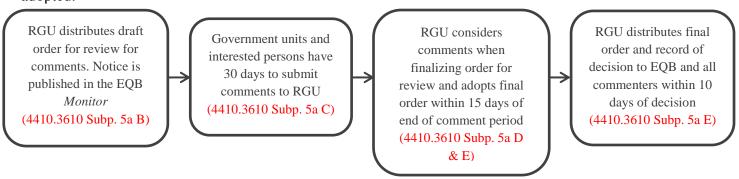
The AUAR process is a hybrid of the Environmental Assessment Worksheet (EAW) and Environmental Impact Statement (EIS) review processes. Responsible Governmental Units (RGU) can use an AUAR as a planning tool to understand how different development scenarios will affect the environment of their community before the development occurs. The process is designed to look at the cumulative impacts of anticipated development scenarios within a given geographic area. The AUAR document uses a list of questions adapted from the EAW form, but provides a level of analysis of typical urban area impacts comparable to an EIS. Environmental analysis information from an AUAR can be used to inform local planning and zoning decisions. This quick reference guide is meant to provide a brief overview of the AUAR process and the steps required to successfully complete an AUAR. For more detailed guidance on properly preparing an AUAR, please see the Recommended Content and Format Guide on the Environmental Quality Board (EQB) website.

Please note that this quick reference guide is not intended to substitute for Minnesota Rules 4410. It is designed to help RGUs and others implement the environmental review process more effectively and efficiently. The guide does not alter the rules or change their meaning; if any inconsistencies arise between this guide and the rules, the rules take precedent. Please contact EQB Staff with any questions at Env.Review@state.mn.us or 651-757-2873.

# Additional First Steps in AUAR Process for Certain Specific Large Projects (Minnesota Rules 4410.3610, Subpart 5a)

**Note:** If you do not have a large project that meets the criteria described below, please see the AUAR Process Steps on page two.

The 2009 Minnesota Rule amendments added additional required steps at the beginning of the AUAR process if the review will cover any specific projects that meet mandatory Environmental Impact Statement (EIS) requirements or comprise at least 50 percent of the geographic area to be reviewed. These steps include a public comment period on the scope of the AUAR review, specifically on the development scenarios and relevant issues to be covered. These steps must occur before a final order for review can be adopted.

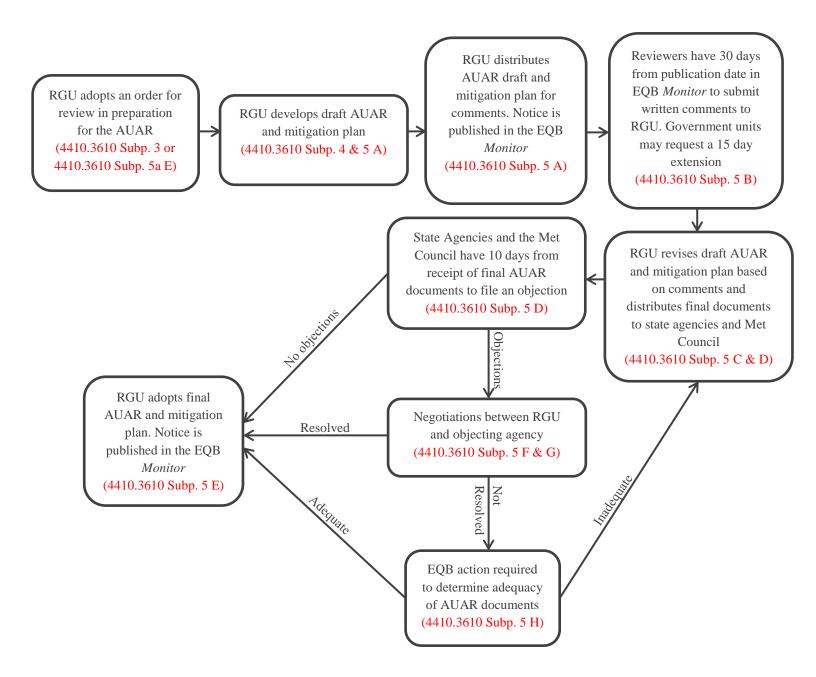


Updated December 2015 Page 1

### **AUAR Process Steps**

### (Minnesota Rules 4410.3610, Subparts 3-5)

Unless the AUAR includes additional first steps due to a large specific project as detailed on page one, the first step of the AUAR process is the adoption of an order for review by the RGU. The draft and final AUAR, along with the mitigation plan, are prepared and distributed for comments to ensure adequate review. A process for appeal to the EQB can be invoked by state agencies and the Metropolitan Council.

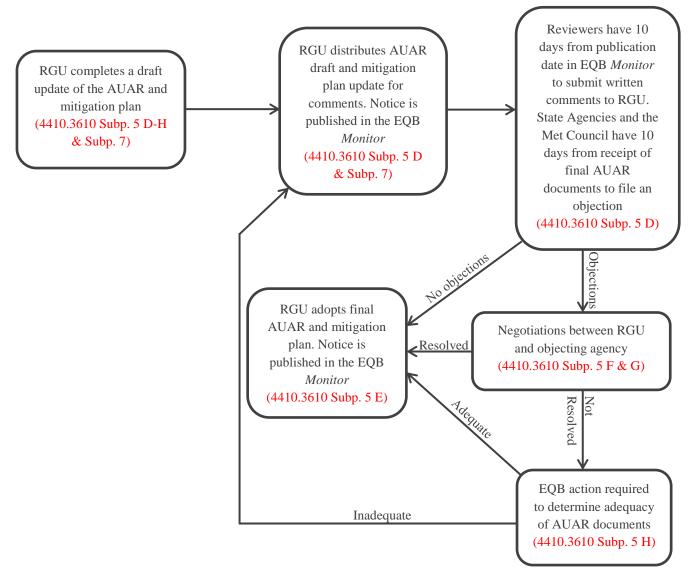


Updated December 2015 Page 2

### **AUAR Update Process Steps**

### (Minnesota Rules 4410.3610 Subpart 7)

Minnesota Rules provide guidance on the circumstances that require an AUAR update. Regardless of any significant changes, the AUAR must be updated every five years until all of the development in the area has been approved. An AUAR update is generally a faster process than starting a new AUAR since the update process does not require a complete revision of the AUAR document. Instead, the update process requires that the AUAR document, along with the mitigation plan, be updated to the extent necessary to reflect the changes that have occurred in the area included in the review. The updated documents are distributed in a manner similar to a final AUAR except that the documents must be sent to all parties listed on the EAW distribution list and a notice must be published in the EQB *Monitor*. The process for appeal to the EQB can still be invoked by state agencies and the Metropolitan Council as in the normal AUAR process.



Updated December 2015 Page 3

Comment	Response
We certainly support this development in any form you eventually decide. City's need to grow and adapt to continue to be vibrant Regards, Dayton & Kristy Reardan	Thank you for your comments on this study.
Thanks for sharing the plan. I like the expansion of bike trails to and through the development. The advances in E-bikes will help pull more residents from their cars on the streets to the trails on their bikes. – Jay Henry	Thank you for your comments. The city recognizes the benefit of the trail system within Opus and throughout the city. In 2019 the City Council passed a franchise fee increase to further expand the trail network. Additionally, as indicated in the cities capital improvement plan, the Opus trail system is slated to undergo needed maintenance.
Hi. I'm impressed with the incredible depth of this study. Have you considered making a short power point type presentation that hits some of the general highlights? I think that would help those of us that would like an overview without the detail. Thanks for all your hard work on this massive project. – Karen Mattson	Thank you for your comments on this study. An executive summary of the report will be available for public viewing on the project page: https://www.minnetonkamn.gov/service s/projects/development-studies/opus-auar-study

Thank you for the opportunity to comment on the Opus AUAR study. I read the report which focused primarily on the environmental impact of the project.

I want to address the number and type of affordable housing units included in the development plans.

The Opus development provides the City of Minnetonka an opportunity to create a large number of affordable and workforce housing. I do want to point out that I believe affordable housing should be throughout the entire city not just confined to the Opus development.

I believe it's important to have adequate housing for all of the people of modest incomes who work in and serve our community. The proposed businesses include two hotels, retail, restaurants and daycare. It makes sense for those employed in these areas to have affordable housing nearby. I think it would be great if employees could walk to work and imagine the positive environmental impact too!

At first glance I was in favor of Scenario #1 but after further contemplation I think Scenario #2 with greater density would allow for more housing and specifically more affordable housing. If Scenario #1 is implemented, I would encourage the city and developers to commit to a greater number of affordable units at lower percentages of AMI such as 50% and 30% AMI. If Scenario #2 is chosen I again would encourage 30%-50% AMI. (we are in the midst of a housing crisis).

As a member of the Minnetonka Community Housing Team, I urge the Minnetonka City Staff and council members to consider my input when moving forward with the Opus Housing Developments. Our housing team would be interested in further discussion with the council and staff.

Thank you for your consideration in this very important matter.

Cynthia F Jung

Minnetonka Community Housing Team

(Private address: 18505 Spring Crest Drive Minnetonka 55345

Thank you for your comments. The City of Minnetonka shares your belief in prioritizing affordable housing not just in Opus but throughout the city. The City Council reaffirmed its commitment to the Affordable Housing Policy in July 2019 which establishes procedures for future multifamily developments and lays out requirements for housing at 50%, 60%, or 80% AMI.

This policy was instrumental in the creation of affordable units in multifamily projects located near Ridgedale Mall and Shady Oak Light Rail Station.

Thanks for the opportunity to comment on the Opus AUAR study and the environmental impacts of the two possible development scenarios. As a member of the Minnetonka Community Housing Team, I want to comment on the number and type of affordable housing units included in the development plans. The Opus development provides the City of Minnetonka a unique opportunity to create an expansive amount of affordable and "workforce" housing.

We believe it is essential to have adequate housing for all of the people of modest income who work in and serve our city. With the local businesses that will be created, it makes sense to have people able to live nearby.

Our group is inclined to support Scenario #2 because greater density would allow for more housing and more affordable housing. If Scenario #1 is pursued by the city, we urge the inclusion of a higher percentage of affordable housing per development, and a commitment to more affordable units at lower percentages of AMI. Given Minnetonka's AMI, defining 80% of AMI as affordable excludes the majority of people looking for affordable housing, including many of the people we need to be part of our local workforce.

We urge the Minnetonka City Staff to consider our comments when moving forward with the Opus Housing Developments. This development affords the City of Minnetonka a once in a generation opportunity to pursue affordable housing and to use the city's resources to enact the value of inclusion. We are more than willingly to hold a private conversation and plan on voicing support at the upcoming City Council meeting.

Yours truly, Cindy Reich Minnetonka resident (27 years) Member, Minnetonka Community Housing Team

10910 Sumac Lane, Ward 2, 55305 (952) 239-5032

Thank you for your comments. Minnetonka believes in the importance of affordable housing options across many income groups. For example, the city provided assistance for the Dominium project because it included workforce and senior units affordable to those making 60% AMI.

Dear Mr. Hanson,

I am a resident of Minnetonka and a member of the Minnetonka Community Housing Team. It is critically important for the city of Minnetonka to plan for adequate affordable housing for people of modest income who work in and serve our city. The Opus development is clearly a unique opportunity for our city to incorporate affordable workforce housing into a plan that already addresses environmental concerns and business opportunities in a transportation hub area.

Along with the other members of our housing team, I support Scenario #2 in the Opus AUAR Study because greater density would allow for more affordable housing, especially at the 30% to 50% AMI level that is most needed in order to allow teachers, police officers, firefighters, health care workers and low-income workers to be able to afford to live in Minnetonka close to where they work.

Thank you for the opportunity to comment on this aspect of Minnetonka's development planning.

Sally Bressler 2465 Crowne Hill Rd. 55305 Thank you for your comments on the study. Minnetonka believes in the importance of affordable housing options across many income groups.

To: Rob Hanson, Economic Development Coordinator - City of Minnetonka

Re: Opus AUAR Study

Dear Mr. Hanson,

Thank you for the opportunity to comment on the Opus AUAR study. I am a member of the Minnetonka Community Housing Team and the Employment Consultant/Housing Advocate at ICA Food Shelf in Minnetonka.

Beyond the environmental issues addressed in the AUAR report, the housing team wants to comment on the number and type of affordable housing units included in the development plans. The Opus development provides the City of Minnetonka a unique opportunity to create an expansive amount of affordable and "workforce" housing.

We believe it is essential to have adequate housing for all of the people of modest income who work in and serve our city. With the local businesses that will be created, it makes sense to have people able to live nearby.

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We urge the Minnetonka City Staff to consider our comments when moving forward with the Opus Housing Developments. We are more than willingly to hold a private conversation and plan on voicing support at upcoming Minnetonka City Council meetings.

Thank you for your consideration.

Kerri

Kerri K Fischer | she/her

Kerri K Fischer | Employment Consultant/Housing Advocate

Thank you for your comments. The city is committed to providing a range of housing options within Opus affordable across income groups.

Between 2021 and 2030 the city has established a preliminary goal of creating 1,064 new affordable units.

ICA FOOD SHELF

Direct: 952.279.0286; 612.567.9941

ICA Main: 952.938.0729

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To: Rob Hanson, Economic Development Coordinator - City of Minnetonka

Re: Opus AUAR Study

Dear Mr. Hanson,

Thank you for the opportunity to comment on the Opus AUAR study.

I am a resident of Minnetonka and a member of the Minnetonka Community Housing Team.

Beyond the environmental issues addressed in the AUAR report, the housing team wants to comment on the number and type of affordable housing units included in the development plans. The Opus development provides the City of Minnetonka a unique opportunity to create an expansive amount of affordable and "workforce" housing.

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We urge the Minnetonka City Staff to consider our comments when moving forward with the Opus Housing Developments. We are more than willing to hold a private conversation and plan on voicing support at upcoming Minnetonka City Council meetings.

Thank you for your consideration.

Thank you for your comments on the study.

Linda Halley 18610 Clear View Drive Minnetonka MN 55345 Minnetonka Community Housing Team

### Hi Rob-

I have reviewed this. For a lot of reasons, I vote to keep the residential component to a minimum, and the building in Opus in general to a minimum. How about some more green space?

- 1. We're losing green space. Minnetonka's population is growing fast. We're building like crazy. We're losing green space to development and to overcrowding. Examples are the bike trails and Lone Lake Park, both of which at times are not big enough to support the surrounding population today much less tomorrow. I moved here because of the open spaces. Shady Oak Road, which I live near isn't so shady or oak anymore. It's concrete and driveways.
- 2. Where would all the residents of Opus go for outdoor activity? A population of 5000 is a small town. Those trails through there don't strike me as adequate recreational space.
- 3. Future pandemic planning calls for less density doesn't it? Isn't dense housing the biggest superspreader of them all?

Sincerely,

John Lee Minnetonka Thank you for your comments.

The city is committed to preserving the natural character of the city that many residents love. We felt that this was an important consideration within Opus and have conducted the Opus Area Placmaking + Urban Design Implementation Guide in 2019.

Aspects of the guide include recommendations on how developers can shape new development that provides new public amenities, guiding existing property owners on how to improve usability and connections to public space, and for city staff to leverage additional public amenities in development projects.

Message submitted from the website.

Site Visitor Name: Angela Enright

Site Visitor Email: lilacfever64@gmail.com

Opus study - Draft Alternative Urban Area Review with Scenario 2 (preferred)

Opinion: If Marriot Hotel were unable to reopen I hope that we could take advantage of this opportunity to make 323 rooms (with many handicap accessibility) into affordable housing for the (workforce), the recent evolution in 2016 would make this a simple transition into grocery store and restaurant on first floor with some or all affordable apartments/condos.

Angela Enright

Resident of Minnetonka

Minnetonka Community Housing Team

Hello,

We are a local grassroots organization called the Minnetonka Coalition for Equitable Education (M.C.E.E.). The M.C.E.E. includes students, alumni, parents, and community members who have made it a mission to increase equity in the Minnetonka Public School District. We strive to increase equity for all identities including race, ethnicity, religion, socioeconomic status, nation of origin, sexual orientation, gender, etc...

One of our goals is for the Minnetonka Public School District to change the open-enrollment policy to allow an increase in diversity. The Minnetonka School Board has been receptive in changing the policy. However, one solution is not enough to change the legacy of racial segregation which has taken place between Minnetonka and the surrounding areas. We support the goals of the Minnetonka Housing Team and advocate for their suggestions.

We also would like Scenario #2 of the upcoming Opus Housing Developments and would like to see a range of AMI for future housing developments.

Thank you

Signed by the Minnetonka Coalition for Equitable Education

--

Minnetonka Coalition for Equitable Education

Thank you for your comments on the study. The City of Minnetonka understands the importance of the inclusion of affordable housing within Opus. With the ongoing expectation of the conversion of parcels from commercial/industrial to residential in Opus a greater need for amenities such as grocery / restaurants becomes apparent.

City staff is conducting research into the market viability of grocery and other retail uses near the Opus area as part of future developments.

Thank you for your comments. The City of Minnetonka also recognizes the effect that racist housing policies have had in the city. While not a complete solution, the City adopted a Fair Housing Policy in 2018 reaffirming its commitment to inclusion and equity of fair housing within the city. Additionally in 2018, the city joined the Government Alliance on Race and Equity, a national network of local governments that are working to achieve racial equity and opportunities for all.

The City of Minnetonka shares your belief in prioritizing affordable housing not just in Opus but throughout the city. The City Council reaffirmed its

commitment to the Affordable Housing Policy in July 2019 which establishes procedures for future multifamily developments and lays out requirements for housing at 50%, 60%, or 80% AMI. We will work with developers to ensure compliance.

Dear Mr. Hanson,

The Opus development provides the City of Minnetonka a unique opportunity to create an expansive amount of affordable and "workforce" housing.

I believe it is essential to have adequate housing for all of the people of modest income who work in and serve our city. With the local businesses that will be created, it makes sense to have people able to live nearby.

I support Scenario #2 because greater density would allow for more housing and more affordable housing. I also support a broader range of AMI.

Have a great weekend

Kelsey Crow

Dear Mr. Hanson,

The Opus development provides the City of Minnetonka a unique opportunity to create an expansive amount of affordable and "workforce" housing.

I believe it is essential to have adequate housing for all of the people of modest income who work in and serve our city. With the local businesses that will be created, it makes sense to have people able to live nearby.

Thank you for your comments on this study.

Thank you for your comments on this study.

I support Scenario #2, because greater density would allow for more housing and more affordable housing. I also support a broader range of AMI.

Thank you, Amber Bullington Minnetonka, MN

Arlene and I would like to express our concerns about the up coming development on the Opus AUAR study, particularly on the number and type of affordable housing units.

The size of the Opus area is unique to our city in that it is almost completely developed. The Opus area, framed by HWY 62, 169 and Shady Oak Rd. allows access from several directions and now with the near completion of the LRT Blue Line there will be additional access to those living at this site. With this in mind having more density in this setting seems appropriate.

It seems that the city council is looking for ways to include affordable or workforce housing in their redevelopment housing (Shady Oak Rd.) and in the new development near Carlson Towers. We would hope that in the Opus area there will be a verity AMI not just 80%. In the past some developers have flipped their buildings forcing their tenets to move out. We encourage city personnel to try and set contracts with builders using AMI to at least 30 years.

Thank you for your time. We live at 6008 Wyngate La. Minnetonka, MN 55345 Since 1964

We are members of the Minnetonka Community Housing Team.

Sincerely,

Arlene and Jerry Nystuen

Thank you for your comments.
Generally when a developer
negotiates with the city for assistance
to provide affordable housing, the city
requires that the affordability last for a
period of at least 30 years.

The Affordable Housing Policy reaffirmed in 2019 sets out various requirements for multifamily developers to include a range of affordable options from 50% to 80% AMI.

### A. Resolution approving a conditional use permit for an accessory apartment at 14303 Oakwood Road Extension.

Recommend that the city council adopt the resolution approving a conditional use permit for an accessory apartment at 14303 Oakwood Road Extension.

Powers, Waterman, Hanson, Henry, Luke, and Sewall voted yes. Maxwell was absent. Motion carried and the item on the consent agenda was approved as submitted.

This item is scheduled to be reviewed by the city council Feb. 8, 2021.

### 8. Public Hearings

# A. Resolution repealing and replacing Resolution No. 2017-118 for a conditional use permit for a religious institution at 15408 and 15414 Minnetonka Industrial Road.

Chair Sewall introduced the proposal and called for the staff report.

Cauley reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

The public hearing was opened. No testimony was submitted and the hearing was closed.

Luke stated that the application is straight forward and Cauley covered everything in the staff report.

Cauley received an email from the applicant stating that he had nothing to add to the staff report and he was ready for the motion.

Luke moved, second by Powers, to recommend that the city council adopt the attached resolution repealing and replacing Resolution No. 2017-118 for a religious institution at 15408 and 15414 Minnetonka Industrial Road.

Powers, Waterman, Hanson, Henry, Luke, and Sewall voted yes. Maxwell was absent. Motion carried.

### 9. Other Business

### A. Opus Alternative Urban Areawide Review (AUAR)

Chair Sewall introduced the proposal and called for the staff report.

Gordon reported. He recommended commissioners receive the report and any public comment that may be provided.

Hanson was impressed with the amount of work that went into the AUAR. He appreciated the proactive approach. He questioned how much impact the AUAR would have on a developer considering a project for a property located in Opus. Gordon gave the example of one project, Dominium, which was required to do an Environmental Assessment Worksheet (EAW) because it would have 375 or more residential units. The EAW would not have been required for the Dominium project if the AUAR would have existed at that time because it would have met that requirement. The AUAR is a benefit to developers.

Henry asked how often an applicant requests an amendment to the comprehensive guide plan. Gordon estimated one land use comprehensive guide plan amendment application is received each year.

Waterman found it helpful to see how uses could potentially fit in the area. He asked at what point Scenario Two would be implemented to create more of an overall plan rather than piece by piece. Gordon explained that the guidance for the Opus area is for mixed use in the comprehensive guide plan. That provides a broad range of use types. Wischnack added that the map might need a little clarification to distinguish that it illustrates a possible land use scenario and not the actual comprehensive plan designation.

Chair Sewall asked Gordon to guess what chance Scenario Two has to come to fruition. Gordon answered that three years ago he would not have predicted that 1,400 housing units would be under construction in Opus in 2021. The AUAR helps Minnetonka to consider and plan contingencies for possible scenarios. Wischnack said that staff is learning from other areas that received more development due to the addition of light rail transit to allow for better preparation. Currently, vacancy rates for Dominium and The Rize are very low. Even with the new units being constructed, Minnetonka has a vacancy rate of 2.6 percent. A healthy vacancy rate for a city is five percent to seven percent.

Powers felt the AUAR is a helpful exercise. He asked when Scenario Two would be triggered. Gordon responded that a spreadsheet is being kept with current numbers regarding capacity and infrastructure systems. The types of land uses that are lacking or over saturated in Minnetonka are also being reviewed. Wischnack added that the engineers have calculated estimated costs, what funds need to be invested to cover those costs, and the breaking point determined by reaching a certain number of units. The financing mechanism to do affordable housing could also be used for traffic improvements. The trigger points will be determined after receiving input from meetings with the planning commission, economic development authority commission and city council.

Henry felt that preparing the numbers will help Minnetonka prepare for the future. Gordon agreed that the AUAR will service the Opus area well.

Chair Sewall noted that most comments received in reference to the AUAR were provided by affordable housing advocacy groups. Gordon confirmed.

In response to Chair Sewall's question, Gordon provided an example of how Minnetonka assigned a number of trips to each parcel that would benefit from the traffic improvements for Bren Road and how property owners would pay funds if the use created more than the allocated number of trips to cover traffic improvement costs. This prevents the last applicant in the area from carrying the entire burden for the cost of a traffic improvement required by the increase in the number of trips. Wichnack added that the current scenario in Opus makes the Bren Road improvement project seem easy. The AUAR is much more complicated.

The public hearing was opened. No testimony was submitted and the hearing was closed.

Chair Sewall appreciated the timely and cohesive AUAR report.

This item will be reviewed by the city council at its meeting on Feb. 8, 2021.

### 10. Adjournment

Luke moved, second by Powers, to adjourn the meeting at 8 p.m. Motion carried unanimously.

Ву:		
•	Lois T. Mason	
	Planning Secretary	

### Resolution No. 2021-

## Resolution Adopting the Final Alternative Urban Areawide Review (AUAR) and Mitigation Plan for the Opus Area

Be it resolved by the City Council of the City of Minnetonka, Minnesota as follows: Section 1. Background. 1.01. An AUAR is a planning tool for governments to assess the cumulative environment and infrastructure impacts of projected development scenarios within a given area. It is a way of performing an environmental analysis before significant development occurs; 1.02. An AUAR has been completed for the study area pursuant to Minnesota Rules 4410 and identifies and assesses the environmental impacts and mitigation measures associated with the Opus Study Area; 1.03. The Opus Study Area is located on approximately 640 acres located in the southeastern portion of the city south of Smetana Road, east of Shady Oak Road, north of MN 62, and west of US 169; 1.04. The AUAR was distributed for the required 30-day comment period, revised based on the comments, and distributed for the second 10-day comment period; 1.05. Comments received on the AUAR have generated information adequate to determine mitigation measures associated with the potential development in this area: 1.06. The comments received and responses developed are included in the public record for the AUAR: 1.07. Development in the Opus Study Area is expected to comply with all Minnetonka and review agency standards as well as mitigation measures outlined in the AUAR. 1.08. The planning commission reviewed and provided comments on the AUAR on Jan. 21, 2021. While no official action was required, the commission commented that the AUAR was a helpful document for understanding future development. Section 2. Council Action. 2.01. The City Council of the City of Minnetonka hereby adopts the Final Alternative Urban Areawide Review and Mitigation Plan for the Opus Area. Adopted by the City Council of the City of Minnetonka, Minnesota, on Feb. 8, 2021.

Brad Wiersum, Mayor

Attest:
Becky Koosman, City Clerk
Action on this resolution:
Motion for adoption: Seconded by: Voted in favor of: Voted against: Abstained: Absent: Resolution adopted.
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on Feb. 8, 2021.
Becky Koosman, City Clerk

Page 2

Resolution No. 2021-

### City Council Agenda Item #14D Meeting of Feb. 8, 2021

**Brief Description:** Natural Resources Master Plan update

**Recommended Action:** Provide feedback and refer to the park board for review.

### Background

In 1995, the City of Minnetonka commissioned a study, led by city forestry staff, of natural habitat areas in five major parks (Big Willow, Lone Lake, Purgatory, Meadow, Civic Center) and three creek corridors (Minnehaha, Nine Mile, Purgatory) to assess their environmental health and quality. The study indicated that all vegetation types throughout the city were deteriorating and in decline. Without human intervention, the overall trend would be towards continued degradation. The planning effort was intended to ensure that city resources (staff time, funding) were allocated in a consistent manner across the city based on community interests while also relying on staff expertise to guide restoration and protection efforts.

As a response, the city adopted a Natural Resources Management Plan (NRMP) in 1997 and Council Policy 11.11 in 1999 (updated in 2003) to help guide habitat restoration and open space preservation activities. A primary component of the plan and related policy is the "natural resources stewardship program" which focuses on an ecological system-based approach to restoration and management. General goals of the plan and program include:

- To protect or enhance the health of the ecosystems in Minnetonka.
- To enhance the biological diversity of its native habitats.
- To provide an appropriate balance between resource preservation, recreational use and community growth.
- To maintain the natural and historic integrity of Minnetonka.
- To establish partnerships and stakeholder involvement with a variety of agencies and citizens in the community to perpetuate sustainable resources in Minnetonka and surrounding areas.

### Summary

The 1997 Natural Resources Management Plan and the resulting stewardship program have generally provided the guidance needed for prioritizing restoration activities, resources and funds. In 2003, an effort was undertaken to re-assess habitat quality in the parks; however, since that time, no formal assessments or plan updates have occurred beyond yearly restoration planning by city staff.

In 2019, city staff began efforts to update the plan to help refocus the goals and priorities for protecting and enhancing the biological and ecological integrity of the city's natural areas. Seen more broadly as a natural resources 'master' plan, the new plan will take the following into consideration:

 'Natural resources' includes water resources (creeks, lakes, wetlands), trees and woodland habitat, open fields/grassland, insects and wildlife, soils and geologic features, air and climate.

- Goals and strategies will focus on restoration of ecosystem functions to address multiple
  issues and gain multiple benefits. As an example, a strategy of converting unused turf
  areas on both public and private land to native plantings can increase soil health,
  capture and hold more rainwater, provide a food source for pollinators, and reduce
  carbon emissions; all of which benefit our natural resources and provide for a healthier,
  livable community.
- Provides an opportunity to gather new data, use new technology, and tap into community-based resources including local knowledge and a significant willingness to provide volunteer support.
- Highest priority will be given to the city's five community park spaces and three creek corridors, along with other city owned and operated land. Opportunities to include landowners and private property in natural resource enhancement and protection will also be identified.
- Strategies for achieving identified goals will include projects, programs and policy considerations while balancing existing resources.

Field data collection and habitat assessment activities occurred in the summer and fall of 2019 in all Minnetonka parks, along with many publicly-owned outlots and other open spaces (e.g. Cullen Smith property). Information gathered includes current habitat conditions and significant issues present. Additional information is currently being gathered through remote sensing (infrared photography), or using existing GIS data sets, including:

- Topography
- Aerial extent and makeup of the urban forest canopy, including tree species categories (e.g. hardwoods, softwoods), general age classes, and street/landscape trees not part of a forest
- Aerial extent of open grassland/meadow areas, impervious surfaces, and turf areas
- Vegetation communities on public lands using the Minnesota Land Cover Classification System
- Soil types and underlying geology
- Natural water bodies, including groundwater resources
- Climate-related stressors (air quality, urban heat island effect)
- Wildlife and pollinator species known presence

The information gathered will be used to identify possible points of action, such as creating habitat connectivity for wildlife, pollinator habitat enhancement zones, carbon sequestration opportunities to increase climate resilience, nature-based play areas, or urban heat island reduction areas for human health benefits.

The next phase of planning includes gaining feedback on goals, priorities, and strategies identified by natural resource division staff before final plan adoption by the city council. Below is a draft planning process and timeline:

February 2021 – Update city council on the planning process and timeline

March 2021 – Formal presentation to park board for feedback on park/open space data collection and assessments along with draft goals, priorities and strategies

March/April 2021 – Host up to two public input sessions related to the draft plan to gain input and feedback on draft goals, priorities and strategies

May 2021 – Presentation to city council for input on draft goals, priorities and strategies

June 2021 – Presentation to city council for final plan adoption

It should be noted that the city's Parks, Open Space, and Trail (POST) plan is in the beginning stages of being updated at this time. While technically separate plans, the NRMP and the POST plan are closely linked. Both plans relate to management of parks and open spaces, with the NRMP focused more on the biological integrity of the landscape and the POST plan focused more on people and use of the landscape. Regardless, future public input and feedback for the POST plan may influence the NRMP plan to some degree. Because the NRMP is considered a living document, any information generated while updating the POST plan can be incorporated into the NRMP plan when deemed necessary.

### Recommendation

Provide feedback and refer to the park board for review and public input.

Submitted through:

Geralyn Barone, City Manager Will Manchester, Director of Public Works

Originated by:

Leslie Yetka, Natural Resources Manager

### City Council Agenda Item #15A Meeting of Feb. 8, 2021

**Brief Description:** Reappointment to Minnetonka boards and commissions

**Recommended Action:** Approve the recommended reappointment

### Background

On January 31, 2021, the appointment terms expired for some members of various city boards and commissions. All of them were eligible to be reappointed, and some members have indicated an interest in continuing to serve another term. Inadvertently, the member below was not reappointed at the Jan. 25, 2021 council meeting and needs to be reappointed to serve another term. He has been a valuable and productive member, and I am recommending the reappointment of the following eligible member.

### Recommendation

To approve the following reappointment to the Minnetonka Boards and Commissions:

• David Waterman, to the Planning Commission, to serve another two-year term, effective February 1, 2021 and expiring on January 31, 2023.

The updated membership roster showing the composition of the Planning Commission following this reappointment is attached.

Respectfully submitted,

Brad Wiersum Mayor



### **Board Roster**



### **John Powers**

4th Term Jan 27, 2020 - Jan 31, 2022

**Appointing Authority Council** 



### **Amanda Maxwell**

1st Term Jan 27, 2020 - Jan 31, 2022

**Appointing Authority Council** 



### **Matt Henry**

2nd Term Jan 27, 2020 - Jan 31, 2022

**Appointing Authority Council** 



### Joshua Sewall

3rd Term Jan 27, 2020 - Jan 31, 2022

**Appointing Authority Council** 



### **David Waterman**

1st Term Jan 27, 2020 - Jan 31, 2021

2nd Term: Feb. 1, 2021 - Jan. 31, 2023

**Appointing Authority Council** 



### **Alex Hanson**

2nd Term Jan 27, 2020 - Jan 31, 2022

**Appointing Authority Council** 



### **Derrick Banks**

1st Term: Feb. 1, 2021 - Jan. 31, 2023